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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL.

Judicial and Legislative (Legislative) Department.

NOTIFICATION.

No. 1L—1st January, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor-General, is hereby published for general information :—

West Bengal Act V of 1947

THE WEST BENGAL PREMISES REQUISITION AND CONTROL (TEMPORARY PROVISIONS) ACT, 1947.

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West Bengal Act V of 1947

THE WEST BENGAL PREMISES REQUISITION AND CONTROL (TEMPORARY PROVISIONS) ACT, 1947.

[Passed by the West Bengal Legislature.]

[Assent of the Governor General was first published in the *Calcutta Gazette, Extraordinary*, of the 1st January, 1948.]

An Act to provide for the requisition and control of premises in West Bengal.

WHEREAS it is expedient to provide for requisition and control of premises in West Bengal;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, commencement, extent and duration.

1. (*1*) This Act may be called the West Bengal Premises Requisition and Control (Temporary Provisions) Act, 1947.

(*2*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, direct.

(*3*) It extends to the whole of West Bengal.

(*4*) It shall remain in force only up to the 31st day of March, 1950, but the Provincial Government may, by notification in the *Official Gazette*, direct that it shall remain in force for a further period or periods not exceeding in the aggregate three years.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "Calcutta" has the same meaning as in clause (*11*) of section 3 of the Calcutta Municipal Act, 1923; Bengal Act III of 1923.

(*b*) "Collector" means in Calcutta, the First Land Acquisition Collector and elsewhere, the Collector of a district or any other officer appointed by the Provincial Government to discharge the functions of a Collector under this Act;

(*c*) "landlord" means any person who for the time being is receiving, or is entitled to receive, the rent of any premises whether on his own account, or on account or on behalf or for the benefit, of any other person, or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent if the premises were let to a tenant and includes a legal representative, as defined in the Code of Civil Procedure, 1908, a tenant who sublets any premises, and every person from time to time deriving title under a landlord; Act V of 1908.

(*d*) "persons interested" means any person claiming an interest in compensation payable on account of requisition of any premises under this Act;

(*e*) "premises" means any building or part of a building or any hut or part of a hut which is, or is intended to be, let separately for residential or non-residential purposes and includes,—

(*i*) the garden, grounds and out-houses (if any) appertaining to such building or part of a building or hut or part of a hut; and

(*ii*) any furniture supplied by the landlord for use in such building or part of a building;

and also includes a room or rooms in an hotel, boarding house or lodging house, but does not include a stall let at variable rents at different seasons of the year for the retail sale of goods in a market as defined in clause (*39*) of section 3 of the Calcutta Municipal Act, 1923;

(*f*) "prescribed" means prescribed by rules made under this Act;

(*g*) "tenant" means any person by whom, or on whose account, rent is or but for a special contract would be, payable for any premises and includes a legal representative as defined in the Code of Civil Procedure, 1908, and a person continuing in possession after the termination of a tenancy in his favour.

The West Bengal Premises Requisition and Control (Temporary Provisions) Act, 1947.

(Chapter II—Requisition of premises for any public purpose—Sections 3—5.)

CHAPTER II.

REQUISITION OF PREMISES FOR ANY PUBLIC PURPOSE.

Power to requisition.

3. (*1*) Whenever it appears to the Provincial Government that any premises in any locality are needed or are likely to be needed for any public purpose, it may, by order in writing, requisition such premises:

Provided that no premises exclusively used for the purpose of religious worship shall be requisitioned under this section.

(*2*) An order under sub-section (*1*) shall be served on the landlord, and where it relates to premises in occupation of a tenant also on such tenant in such manner as may be prescribed.

(*3*) The Provincial Government may, with a view to requisitioning any premises under sub-section (*1*), by order,—

(*a*) require any person to furnish to such authority as may be specified in the order, such information in his possession relating to the premises as may be so specified;

(*b*) direct that the landlord, tenant or any other person in occupation of the premises shall not without the permission of the Provincial Government dispose of or structurally alter the premises.

(*4*) An order passed under sub-section (*1*) shall be final and whenever such order has been passed, the Provincial Government shall direct the Collector to take such further action as is necessary in connection with the requisitioning of the premises in accordance with the provisions of this Act.

(*5*) Without prejudice to any other powers conferred by this Act, the Collector may authorise any person to enter and inspect any premises between sunrise and sunset for the purpose of determining whether, and if so in what manner, an order under this section should be made in relation to any premises or with a view to securing compliance with any order made under this Act.

(*6*) In connection with any inquiry under this Act the Collector may by written order require any person to produce for his inspection any documents relevant to the inquiry at such time and place, as may be specified in the order, and enforce the attendance of witnesses or compel the production of documents by the same means, and so far as may be, in the same manner as is provided in the case of a court by the Code of Civil Procedure, 1908. Act V of 1908.

Power to order vacation of premises or for execution of repairs.

4. Where any premises are requisitioned under this Act, the Collector may by notice in writing—

(*a*) order the existing tenant or occupier, if any, to vacate the premises within ten days of the receipt of the notice;

(*b*) order the landlord to execute such repairs as may be specified in the notice within such time as may be specified therein;

(*c*) if a landlord fails to execute any repairs in pursuance of an order under clause (*b*) the Collector may cause the repairs specified in the order to be executed at the expense of the landlord and the cost thereof may, without prejudice to any other mode of recovery, be deducted from the compensation payable to the landlord.

Easement, etc., not to be disturbed.

5. No landlord or any contractor, workman or servant employed by him shall without the previous written consent of the Collector or except for the purposes of effecting repairs or complying with a municipal requisition, wilfully disturb any convenience or easement attached to any premises requisitioned under this Act, or remove, destroy or render unserviceable anything provided for permanent use therewith or discontinue or cause to be discontinued any supply or service provided for the premises.

The West Bengal Premises Requisition and Control (Temporary Provisions) Act, 1947.

(Chapter II—Requisition of premises for any public purpose —Chapter III—Provisions regarding compensation— Sections 6—11.)

Disposal of premises after requisition.

6. When the Provincial Government has requisitioned any premises under sub-section (*1*) of section 3, it may use or deal with it in such manner as may appear to it to be expedient.

Power to evict from requisitioned premises for breach of terms of tenancy.

7. (*1*) Where any person in occupation of any requisitioned premises sublets without due authority the whole or any part of the premises or otherwise acts in contravention of any of the terms, express or implied, of his tenancy or other like relationship created by the Provincial Government in respect of the premises, the Collector may, by notice served in the prescribed manner, order such person or any other person found in occupation of the premises to vacate the premises within fourteen days of the receipt of the notice.

(*2*) Action may be taken under this section even if any proceedings for possession are pending in respect of the premises and upon such action being taken, the said proceedings shall forthwith be vacated.

Appeal.

8. Any person aggrieved by an order under section 7 may, within seven days of the receipt thereof, appeal in writing to the Commissioner of the Division who may, after calling for a report from the Collector and after making such further inquiry, if any, as he thinks fit, pass an order determining the appeal.

Non-compliance with orders.

9. If any person fails to comply with an order made under clause (*a*) of section 4 or under section 7, the Collector or any person authorised by him in writing in this behalf, shall execute the order in such manner as he considers expedient.

Release from requisition.

10. (*1*) Where any premises requisitioned under this Act are no longer required for any public purpose, the Collector shall, after making such inquiry as he may consider necessary, by order in writing specify the person to whom possession of the premises shall be given.

(*2*) The delivery of possession of the premises to the person specified in an order under sub-section (*1*) shall be a full discharge of any liability of the Provincial Government to deliver possession to such person as may have a rightful claim to possession thereof, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession is given.

CHAPTER III.

PROVISIONS REGARDING COMPENSATION.

Procedure for fixing compensation.

11. (*1*) Where any premises are requisitioned under this Act, there shall be paid to all persons interested compensation the amount of which shall be determined in the manner, and in accordance with the principles hereinafter set out, namely:—

(*a*) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;

(*b*) where no such agreement can be reached, the Provincial Government shall appoint a District Judge or an Additional District Judge as arbitrator;

The West Bengal Premises Requisition and Control (Temporary Provisions) Act, 1947.

(Chapter III—Provisions regarding compensation—Sections 12—14.)

(*c*) the Provincial Government may, in any particular case, nominate a person having expert knowledge as to the nature of the premises requisitioned, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose;

(*d*) at the commencement of the proceedings before the arbitrator, the Provincial Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation;

(*e*) the arbitrator in making his award shall have regard to the provisions of sub-section (*1*) of section 23 of the Land Acquisition Act, 1894, so far as they can be made applicable; I of 1894.

(*f*) an appeal shall lie to the High Court against an award of an arbitrator;

(*g*) save as provided in this section and in any rules made under this Act, nothing in any law for the time being in force shall apply to arbitrations under this section.

(*2*) Compensation shall also be paid in respect of any damage done to the premises during the period of requisition other than what may have been sustained by normal wear and tear or by natural causes. When the amount of such compensation can be fixed by agreement, it shall be paid in accordance with such agreement; where no such agreement can be reached, the matter shall be referred to the arbitrator.

Matters to be considered in fixing compensation by agreement.

12. (*1*) In determining the amount of compensation which may be fixed by agreement under clause (*a*) of sub-section (*1*) of section 11, the Collector shall take into consideration—

(*a*) the rent payable in respect of the premises;

(*b*) if, in consequence of the requisition of the premises, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change; and

(*c*) the damage or loss of income (if any) sustained by the person interested between the date of service of the order under sub-section (*1*) or under clause (*b*) of sub-section (*3*) of section 3, as the case may be, on such person and the date when the Collector takes possession of the premises.

Persons with whom agreement is to be entered into.

13. The Collector shall enquire into the respective rights of all persons interested in the premises and shall decide whether the compensation shall be paid to any such person periodically or in lump. If the compensation is to be paid periodically the Collector shall, having regard to the terms and conditions under which a tenant may be in occupation of the premises, also decide whether the agreement for payment of compensation referred to in section 11 shall be entered into with such tenant or with the immediate landlord of such tenant.

Deposit of compensation in case of dispute.

14. When a dispute arises as to the person or persons to whom the amount of compensation or any part thereof is payable or as to the apportionment of the same or any part thereof, the Collector shall keep the amount in revenue deposit, till there has been a settlement of the dispute.

The West Bengal Premises Requisition and Control (Temporary Provisions) Act, 1947.

(Chapter IV—Control of vacant premises—Sections 15—19.)

CHAPTER IV.

CONTROL OF VACANT PREMISES.

Application of the chapter.

15. (*1*) The Provincial Government may, from time to time by notification published in the *Official Gazette*, declare that the provisions of this chapter shall apply to any local area or to any categories of premises in any local area specified in such notification.

(*2*) The publication of a notification under sub-section (*1*) shall be conclusive evidence that the provisions of this chapter have been duly applied to such local area or to such categories of premises as is specified in the notification.

(*3*) The Provincial Government may, by a like notification, declare that this chapter shall cease to apply in any local area or categories of premises in any area.

Restrictions on lease.

16. After the issue of notification under sub-section (*1*) of section 15, no landlord shall let out his premises in any manner except as provided in this chapter.

Notice by landlord.

17. (*1*) The landlord of any premises shall, within seven days after such premises falls vacant by reason of his ceasing to occupy such premises or by the termination of a tenancy in respect of such premises, give notice thereof to the Collector in the prescribed form and manner:

Provided that the notice in respect of premises lying vacant at the date of notification under sub-section (*1*) of section 15 shall be given within fifteen days of such date, notwithstanding any agreement that may have been made with any person previous to the date of such notification for letting out the premises.

(*2*) The landlord shall also give a similar notice to the Collector in respect of any vacant premises which he does not intend to let out to tenants stating the reasons thereof, and the Collector shall decide whether or not the premises shall be let out.

Procedure of letting out premises by the Collector.

18. (*1*) On receipt of the notice under section 17, the Collector shall, in pursuance of any directions that the Provincial Government may give in this behalf from time to time, and after making such inquiry as he considers necessary, select a person to be inducted as a tenant in the premises and direct the landlord by a written order to put such person in possession of the premises on payment of one month's rent to the landlord as may be specified in the order:

Provided that the amount specified in the order as rent which the tenant has paid under this sub-section shall not be deemed to be the sum payable as rent in respect of such premises if it is in excess of what is permissible under the law for the time being in force, and the tenant shall be entitled to apply to the appropriate authority for fixation of fair and equitable rent in respect of such premises.

(*2*) Where the Collector does not find a tenant suitable for the premises within two weeks after the receipt of notice under section 17, he shall issue a permit in the prescribed form to the landlord allowing him to use or deal with such premises as he may think fit.

(*3*) If the landlord fails to comply with an order made under sub-section (*1*), the Collector or any person authorised by him in writing in this behalf shall execute the order in such manner as he considers expedient.

Vacant premises may be requisitioned.

19. Notwithstanding anything contained in section 18, any premises in respect of which notice has been given under section 17 may be requisitioned under the provisions of this Act.

The West Bengal Premises Requisition and Control (Temporary Provisions) Act, 1947.

(Chapter V—Miscellaneous—Sections 20—24.)

CHAPTER V.

MISCELLANEOUS.

Penalty.

20. (*1*) Whoever contravenes any provision of this Act, or fails or neglects to obey any order made thereunder shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.

(*2*) No court shall take cognizance of any offence punishable under sub-section (*1*) except on the complaint in writing of the Collector.

Saving as to orders.

21. (*1*) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

(*2*) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall presume, within the meaning of the Indian Evidence Act, 1872, that such order was so made by that authority. I of 1872.

Protection of action taken under this Act.

22. (*1*) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

(*2*) Save as is otherwise expressly provided in this Act no suit or other legal proceeding shall lie against the Provincial Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

Repeal and saving.

23. (*1*) On the expiry of the West Bengal Premises (Requisition and Eviction) Ordinance, 1947, the provisions of section 8 of the Bengal General Clauses Act, 1899, shall apply as if it were an enactment then repealed by a West Bengal Act. West Ben. Ord. X of 1947. Ben. Act 1 of 1899.

(*2*) Any rules, orders and appointments made or anything done or any action taken or any proceedings commenced under any of the provisions of the said Ordinance shall continue in force in so far as they are consistent with this Act and shall be deemed to have been made, done, taken or commenced under the corresponding provision of this Act.

Power to make rules.

24. (*1*) The Provincial Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner of service of the orders referred to in sub-sections (*2*) and (*3*) of section 3;

(*b*) the form and manner of service of notice referred to in section 4;

(*c*) the form and manner of service of notice referred to in sub-section (*1*) of section 7;

(*d*) the procedure to be followed in arbitrations and appeals under section 11, the period within which such appeals are to be filed, the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal and the fees to be paid to experts and assessors appointed under that section;

(*e*) the form and manner of service of the notice to the Collector referred to in section 17; and

(*f*) the form of permit referred to in sub-section (*2*) of section 18.

By order of the Governor,
B. K. GUHA,

GOVERNMENT OF WEST BENGAL.

Judicial and Legislative (Legislative) Department.

NOTIFICATION.

No. 2L.—1st January, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor-General, is hereby published for general information:—

West Bengal Act VI of 1947

THE WEST BENGAL DISTURBED AREAS ACT, 1947.

[Passed by the West Bengal Legislature.]

[Assent of the Governor-General was first published in the *Calcutta Gazette, Extraordinary*, of the 1st January, 1948.]

An Act to make better provision for the suppression of disorder and for the restoration and maintenance of public order in the disturbed areas in West Bengal.

WHEREAS it is expedient to make better provision for the suppression of disorder and for the restoration and maintenance of public order in the disturbed areas in West Bengal;

It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the West Bengal Disturbed Areas Act, 1947.

(*2*) It extends to the whole of West Bengal.

Definition.

2. In this Act "disturbed area" means an area which is for the time being declared by notification under section 3 to be a disturbed area.

Power to declare areas to be disturbed areas.

3. The Provincial Government may, by notification in the *Official Gazette*, declare that the whole or any such part of West Bengal as may be specified in the notification is a disturbed area.

Power to fire upon persons contravening certain orders.

4. Any Magistrate and any Police Officer not below the rank of Assistant Sub-Inspector may, if in his opinion it is necessary so to do for the maintenance of public order, after giving such warning, if any, as he may consider necessary, fire upon or otherwise use force against any person who is acting in contravention of any law or order for the time being in force in a disturbed area prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons.

Protection of persons acting under section 4.

5. No prosecution, suit or other legal proceedings shall be instituted, except with the previous sanction of the Provincial Government, against any person in respect of anything done or purporting to be done in exercise of the powers conferred by section 4.

Continuance of action taken under Bengal Ordinance VII of 1947.

6. Any notification issued or anything done or any action taken in exercise of the powers conferred by the Bengal Disturbed Areas Ordinance, 1947, shall, on the said Ordinance ceasing to be in operation, be deemed to have been issued, done or taken in exercise of the powers conferred by this Act as if this Act had commenced on the 5th day of August, 1947. Ben. Ord. VII of 1947.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL.
Judicial and Legislative (Legislative) Department.

NOTIFICATION.

No. 3L.—1st January, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor-General, is hereby published for general information:—

West Bengal Act VII of 1947

THE WEST BENGAL CRIMINAL LAW AMENDMENT ACT, 1947.

[Passed by the West Bengal Legislature.]

[Assent of the Governor-General was first published in the *Calcutta Gazette, Extraordinary*, of the 1st January, 1948.]

An Act to provide for the more speedy trial and more effective punishment of certain offences.

WHEREAS it is expedient to provide for the more speedy trial and more effective punishment of certain offences;

IT is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the West Bengal Criminal Law Amendment Act, 1947.

(*2*) It shall come into force on the date on which the West Bengal Criminal Law Amendment (No. II) Ordinance, 1947, ceases to operate. West Ben. Ord. IX of 1947.

Constitution of Special Tribunal or Tribunals.

2. The Provincial Government may, by notification in the *Official Gazette*, constitute for the purposes of this Act a Special Tribunal or Tribunals to sit at such place or places as may be specified in the notification:

Provided that any Special Tribunal may, if it is satisfied that it will tend to the general convenience of parties or witnesses in any particular case, sit for the trial of that case in a place other than the place specified for it.

Composition of Special Tribunals.

3. (*1*) A Special Tribunal constituted under this Act shall consist of three members, each of whom shall be a person who—

(*a*) is qualified under sub-section (*3*) of section 220 of the Government of India Act, 1935, for appointment as a Judge of a High Court, or 26 Geo. V, c. 2.

(*b*) has, or has exercised, the powers under the Code of Criminal Procedure, 1898, of any one or more of the following, namely, Sessions Judge, Additional Sessions Judge, Chief Presidency Magistrate, Additional Chief Presidency Magistrate, Presidency Magistrate, District Magistrate, Additional District Magistrate,— Act V of 1898.

and at least one shall have the qualification specified in clause (*a*).

(*2*) The Provincial Government shall appoint one of the members to be the President of the Special Tribunal.

Cases triable by Special Tribunals.

4. (*1*) The Provincial Government may, from time to time by notification in the *Official Gazette*, allot cases for trial to each Special Tribunal, and may also from time to time by like notification transfer any case from one Special Tribunal to another or withdraw any case from the jurisdiction of a Special Tribunal or make such modifications in the description of a case (whether in the names of the accused or in the charges preferred or in any other manner) as may be considered necessary.

(*2*) The Special Tribunals shall have jurisdiction to try the cases for the time being respectively allotted to them under sub-section (*1*) in respect of such of the charges for offences specified in the Schedule as may be preferred against the several accused and any such case which is at the commencement of this Act or at the time of such allotment pending before any Court or another Special Tribunal shall be deemed to be transferred to the Special Tribunal to which it is so allotted.

(*3*) When trying any such case as aforesaid, a Special Tribunal may also try any offence whether or not specified in the Schedule which is an offence with which the accused may, under the Code of Criminal Procedure, 1898, be charged at the same trial.

Procedure and powers of Special Tribunals.

5. (*1*) A Special Tribunal may take cognizance of offences without the accused being committed to it for trial, and in trying accused persons shall follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates:

Provided that a Special Tribunal may, for reasons to be

witness will not be material, and shall not be bound to adjourn any trial for any purpose, unless such adjournment is in its opinion necessary in the interests of justice:

Provided further that for the purposes of sub-section (*1*) of section 356 of the said Code English shall be deemed to be the language of the Court and the Tribunal may decide by which one, if any, of its members the evidence of any or all of the witnesses shall be taken down in writing, and where under the provisions of that sub-section the evidence of witnesses is taken down under the direction and superintendence of the Tribunal but not by a member thereof, the provisions of sub-section (*3*) of section 356 shall not apply.

(*2*) Notwithstanding anything contained in section 3, any two members of a Special Tribunal may proceed with the trial of a case during the temporary and unavoidable absence of the third member:

Provided that all three members shall be present when after the evidence has been concluded the prosecutor or the accused or his pleader is addressing the Special Tribunal and when the judgment in the case is delivered.

(*3*) Save as provided in sub-section (*1*) the provisions of the Code of Criminal Procedure, 1898, except the provisions of section 196A and of Chapter XXXIII, shall, so far as they are not inconsistent with this Act, apply to proceedings of a Special Tribunal; and for the purposes of the said provisions the Special Tribunal shall be deemed to be a Court of Session, trying cases without a jury, and a person conducting a prosecution before a Special Tribunal shall be deemed to be a Public Prosecutor. Act V of 1898.

(*4*) A Special Tribunal shall not, merely by reason of a change in its members, be bound to recall and rehear any witness who has given evidence, and it may act on the evidence already recorded by or produced before it.

(*5*) In the event of any difference of opinion among the members of a Special Tribunal the opinion of the majority shall prevail.

(*6*) A Special Tribunal may pass any sentence authorised by law.

Appeal and revision.

6. The High Court may, subject to the provisions of section 7 regarding the transfer of cases, exercise, so far as they may be applicable all the powers conferred by Chapters XXXI and XXXII of the Code of Criminal Procedure, 1898, on a High Court, as if the Special Tribunal were a Court of Session trying cases without a jury within the local limits of the High Court's jurisdiction.

Bar of certain jurisdiction.

7. No Court shall have authority to transfer any case from a Special Tribunal, or, save as provided in section 6, have any jurisdiction of any kind in respect of any proceedings of a Special Tribunal.

Special rules of evidence.

8. When any person is charged before a Special Tribunal with an offence specified in the Schedule, the fact that such person is in possession, for which he cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income, or that such person has, at or about the time of the offence with which he is charged, obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account, may be proved and may be taken into consideration by the Special Tribunal as a relevant fact in deciding whether he is or is not guilty of the particular offence with which he is charged.

Special provisions regarding punishment.

9. (*1*) When any person charged before a Special Tribunal with an offence specified in the Schedule is found guilty of that offence, the Special Tribunal shall, notwithstanding anything contained in the Indian Penal Code whether or not it imposes a sentence of imprisonment, impose, in addition to such sentence of fine, if any, as it would otherwise have imposed, a further sentence of fine which shall be equivalent to the amount of money or value of other property found to have been procured by the offender by means of the offence. Act XLV of 1860.

The West Bengal Criminal Law Amendment Act, 1947.

(Sections 10—13.)

(*2*) Except where the offence of which the person is found guilty is an offence specified in item 1 or item 5 of the Schedule, when it appears that the offence has caused loss to more than one Government referred to in the Schedule or local authority, the Special Tribunal shall in its order of conviction record a finding indicating the amount of loss sustained by each such Government or local authority.

(*3*) When a person is found guilty at the same trial of one or more offences specified in item 1 or item 5 of the Schedule and of one or more offences specified in any of the other items of the Schedule, the Special Tribunal shall in its order of conviction record a finding indicating separately the amounts procured by means of the two classes of offences.

(*4*) Where an additional fine is imposed under sub-section (*1*) for an offence, it shall, after deduction of the cost of recovery as determined by the District Magistrate or, in the Presidency-town of Calcutta by the Chief Presidency Magistrate, be credited to the Government (being a Government referred to in the Schedule) or local authority to which the offence has caused loss, or where there is more than one such Government or local authority, be distributed among them in proportion to the loss sustained by each:

Provided that the provisions of this sub-section shall not apply in respect of any additional fine imposed for an offence specified in item 1 or item 5 of the Schedule, or in a case of the nature referred to in sub-section (*3*), in respect of such portion of the additional fine as is equivalent to the amount found under that sub-section to have been procured by means of offences specified in those items.

(*5*) Where in any appeal or revisional proceedings against an order of acquittal passed by a Special Tribunal the Appellate Court convicts the accused, the Appellate Court shall in passing sentence impose an additional fine as provided in sub-section (*1*), and shall where necessary record a finding referred to in sub-section (*2*) or sub-section (*3*).

(*6*) Nothing in this section shall apply to any case to which the provisions of section 12 of the Criminal Law Amendment Ordinance, 1944, apply. Ord. XXXVIII of 1944.

Power to make rules.

10. The Provincial Government may make rules providing for—

(*a*) the time at which the Special Tribunal or Tribunals may sit;

(*b*) the procedure to be adopted in the event of any member of the Special Tribunal being prevented from attending throughout the trial of any accused person, and

(*c*) the inspection and grant of copies of records of Special Tribunal or Tribunals and the fees for such inspection and grant.

Application of Act II of 1947 to trials under this Act.

11. The provisions of the Prevention of Corruption Act, 1947, shall apply to trials under this Act. II of 1947.

Indemnity.

12. No suit, prosecution or legal proceedings whatever shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Act.

Continuance of action taken under West Bengal Ordinance IX of 1947.

13. Any rules made or anything done or any action taken or any proceedings commenced in exercise of any power conferred by or under the West Bengal Criminal Law Amendment (No. II) Ordinance, 1947, shall, on the said Ordinance ceasing to be in operation, be deemed to have been made, done, taken or commenced in exercise of powers conferred by or under this Act as if this Act had commenced on the 9th day of October, 1947. West Ben. Ord. IX of 1947.

The West Bengal Criminal Law Amendment Act, 1947.

(The Schedule.)

THE SCHEDULE.

[*See* section 4(*2*).]

Offences triable by Special Tribunals.

1. An offence punishable under section 161 or section 165 of the Indian Penal Code or any conspiracy to commit or any attempt to commit or any abetment of such offence. Act XLV of 1860.

2. An offence punishable under section 406 or section 408 or section 409 of the Indian Penal Code, where the property in respect of which the offence is committed is property entrusted by His Majesty's Government in the United Kingdom or in any part of His Majesty's dominions or the Central or a Provincial Government or a department of any such Government or a local authority or a person acting on behalf of any such Government or department or authority.

3. An offence punishable under section 411 or section 414 of the Indian Penal Code, where the stolen property in respect of which the offence is committed is property such as is described in the preceding item and in respect of which an offence punishable under section 406 or section 408 or section 409 of the said Code has been committed.

4. An offence punishable under section 417 or section 420 of the Indian Penal Code, where the person deceived is His Majesty's Government in the United Kingdom or in any part of His Majesty's dominions or the Central or a Provincial Government or a department of any such Government or a local authority or a person acting on behalf of any such Government or department or authority.

5. An offence punishable under any order made or deemed to be made under the Essential Supplies (Temporary Powers) Act, 1946, or any conspiracy to commit or any attempt to commit or any abetment of such offence. XXIV of 1946.

6. An offence punishable under section 5 of the Prevention of Corruption Act, 1947. II of 1947.

7. Any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in items 2, 3 and 4.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 1st January 1948.

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The Calcutta Gazette

Extraordinary

Published by Authority

SATURDAY, JANUARY 3, 1918

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

No. 2226D.C.S.—30th December 1947.—In exercise of the powers conferred by sub-section (*1*) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXXIV of 1946), read with clauses (*d*) and (*f*) of sub-section (2) of that section and with the notification of the Government of India in the Department of Food No. PY-6(6)(2)-1, dated 21st October 1946, the Governor, with the concurrence of the Central Government, is pleased to make the following amendments in notification No. 19116D.C.S., dated 17th September 1947, published at pages 155 and 156 of Part I of the *Calcutta Gazette Extraordinary* of the 19th September 1947, namely:—

Amendments.

(*1*) *After* the proviso to paragraph 1 of the said Order, *add* the following sub-paragraph:—

"Provided further that no such permit shall be required for movement of any consignment of the said commodities covered by a permit issued under paragraph 3 of the Bengal Essential Foodstuffs Anti-Hoarding Order, 1944".

West Bengal is hereby published for general

(2) *For* Schedule II to the said Order *substitute* the following:—

Schedule II.

Areas.	Officers.
District of West Dinajpur ...	Director of Procurement and Supply, Calcutta, or Deputy Regional Controller of Procurement, Berhampore, or the Assistant Regional Controller of Procurement, West Dinajpur.
District of Malda ...	Director of Procurement and Supply, Calcutta, or Deputy Regional Controller of Procurement, Berhampore, or the Assistant Regional Controller of Procurement, Malda.
Kandi subdivision of Murshidabad district ...	Director of Procurement and Supply, Calcutta, or Deputy Regional Controller of Procurement, Berhampore, or the Assistant Regional Controller of Procurement, Murshidabad.
Basirhat subdivision and the police-stations of Kakdwip, Sagore, Joynagar, Mathurapur and Kulpi of 24-Parganas district considered as one area.	Director of Procurement and Supply, Calcutta, or Deputy Regional Controller of Procurement, Calcutta, or the Assistant Regional Controller of Procurement, Alipore.
Districts of Midnapore, Bankura, Burdwan and Birbhum (excluding the police-station of Muraroi) considered as one area.	Director of Procurement and Supply, Calcutta, or Deputy Regional Controller of Procurement, Calcutta, for Midnapore district and Deputy Regional Controller of Procurement, Asansol, for the districts of Birbhum, Bankura and Burdwan or the Assistant Regional Controller of Procurement within their respective jurisdiction.
District of Nabadwip and the police-stations of Bongaon and Gaighata of the district of 24-Parganas considered as one area.	Director of Procurement and Supply, Calcutta, or Deputy Regional Controller of Procurement, Murshidabad, or the Assistant Regional Controller of Procurement, Krishnagar.

By order of the Governor,

E. G. CREEK,

Dy. Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 3rd January 1948.

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MONDAY, JANUARY 5, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATIONS.

No. 458AR.—31st December 1947.—The following notification by the Secretary to the Governor of West Bengal is hereby published for general information :—

"Notification No. 4289S., dated the 31st December 1947.—In His Majesty's name, His Excellency the Governor has assented to the Bengal Public Demands Recovery (West Bengal Amendment) Bill, 1947.

B. N. CHAKRAVARTY,
Secretary to the Governor."

By order of the Governor,
S. B. BAPAT,
Joint Secy. to the Govt. of West Bengal.

No. 7A.R.—2nd January 1948.—The following notification by the Secretary to the Governor of West Bengal is hereby published for general information :—

"Notification No. 4332S., dated the 31st December 1947.—In His Majesty's name, His Excellency

the Governor has assented to the Bengal Village Self-Government (West Bengal Amendment) Bill, 1947.

B. N. CHAKRAVARTY,
Secretary to the Governor."

By order of the Governor,
S. B. BAPAT,
Joint Secy. to the Govt. of West Bengal.

No. 8A.R.—2nd January 1948.—The following notification by the Secretary to the Governor of West Bengal is hereby published for general information:—

"Notification No. 4334S., dated the 31st December 1947.—In His Majesty's name, His Excellency the Governor has assented to the Bengal Municipal (West Bengal Amendment) Bill, 1947.

B. N. CHAKRAVARTY,
Secretary to the Governor."

By order of the Governor,
S. B. BAPAT,
Joint Secy. to the Govt. of West Bengal.

No. 9A.R.—2nd January 1948.—The following notification by the Secretary to the Governor of West Bengal is hereby published for general information:—

"Notification No. 4330S., dated the 31st December 1947.—In His Majesty's name, His Excellency the Governor has assented to the Bengal Local Self-Government (West Bengal Amendment) Bill, 1947.

B. N. CHAKRAVARTY,
Secretary to the Governor."

By order of the Governor,
S. B. BAPAT,
Joint Secy. to the Govt. of West Bengal

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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL.

Judicial and Legislative (Legislative) Department.

NOTIFICATION.

No. 5L.—3rd January, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information:—

West Bengal Act VIII of 1947

THE BENGAL PUBLIC DEMANDS RECOVERY (WEST BENGAL AMENDMENT) ACT, 1947.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 5th January, 1948.]

An Act further to amend the Bengal Public Demands Recovery Act, 1913.

WHEREAS it is expedient further to amend the Bengal Public Demands Recovery Act, 1913, for the purposes and in the manner hereinafter appearing; Ben. Act III of 1913.

It is hereby enacted as follows :—

1. This Act may be called the Bengal Public Demands Recovery (West Bengal Amendment) Act, 1947.

Amendment of section 5 of Bengal Act III of 1913.

2. For the proviso to sub-section (*1*) of section 5 of the Bengal Public Demands Recovery Act, 1913 (hereinafter referred to as the said Act), the following proviso shall be substituted, namely:—

"Provided that no action shall be taken under this Act on a requisition made by a land mortgage bank registered or deemed to be registered under the Bengal Co-operative Societies Act, 1940, or an assignee of such bank, unless the requisition be countersigned by the Registrar of Co-operative Societies, West Bengal." Ben. Act XXI of 1940.

Amendment of Schedule 1.

3. After Article 9 of Schedule 1 to the said Act, the following Article shall be inserted, namely:—

"9A. Any money payable to an officer of the Crown which was advanced as a loan to a person and in respect of which such person has agreed by a written instrument that it shall be recoverable as a public demand."

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL.

Judicial and Legislative (Legislative) Department.

NOTIFICATION.

No. 6L.—3rd January, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information:—

West Bengal Act IX of 1947

THE BENGAL LOCAL SELF-GOVERNMENT (WEST BENGAL AMENDMENT) ACT, 1947.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 5th January, 1948.]

An Act further to amend the Bengal Local Self-Government Act of 1885.

WHEREAS it is expedient further to amend the Bengal Local Self-Government Act of 1885 for the purposes and in the manner hereinafter appearing; Ben. Act III of 1885.

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bengal Local Self-Government (West Bengal Amendment) Act of 1947.

Amendment of section 7 of Bengal Act III of 1885.

2. In section 7 of the Bengal Local Self-Government Act of 1885 (hereinafter referred to as the said Act)—

(*a*) for the first paragraph including the proviso the following paragraph shall be substituted, namely:—

"A District Board shall consist of such number of members not being less than nine as the Provincial Government may, by notification, fix in this behalf and all the members shall be elected";

(*b*) in the second paragraph—

(*i*) the first proviso shall be omitted; and

(*ii*) in the second proviso the word "also" shall be omitted;

(*c*) the last paragraph and its proviso shall be omitted.

Amendment of section 10.

3. In section 10 of the said Act—

(*a*) in sub-section (*1*) for the words "the prescribed proportion of elected members of any District Board or Local Board is not duly elected" the words "the electors fail to elect any member or members of any District Board or Local Board" shall be substituted; and

(*b*) in sub-section (*2*)—

(*i*) for the words "prescribed proportion of elected member is" the words "vacancy or vacancies are" shall be substituted;

(*ii*) for the words "make up that proportion" the words "fill up the vacancy or vacancies" shall be substituted.

Amendment of section 16B.

4. In section 16B of the said Act—

(*a*) in sub-section (*1*)—

(*i*) for the word "Crown" the words "Constitution of India" shall be substituted, and

(*ii*) for the words "I, A.B., having been elected/appointed a member of the District Board or the Local Board, do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King Emperor of India, His heirs and successors, and that I will faithfully discharge the duties upon which I am about to enter", the words "I, A. B., being a member of the District Board or the .....Local Board, do solemnly swear (or affirm) that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter" shall be substituted, and

(*b*) in sub-section (*5*) for the words "and fresh appointment" the words "in the case of a district board and by a fresh general election and fresh appointment in the case of a local board" shall be substituted.

Amendment of section 19.

5. In section 19 of the said Act—

(*a*) to the proviso to sub-section (*1*) the words "and any person so appointed shall be deemed to be a duly elected member" shall be added;

The Bengal Local Self-Government (West Bengal Amendment) Act, 1947.

(Sections 6—10.)

(*b*) in sub-section (*2*) the words "District Board or" shall be omitted.

Amendment of section 19A.

6. In sub-section (*1*) of section 19A of the said Act the words "District Board or" shall be omitted.

Amendment of section 29AA.

7. In section 29AA of the said Act for the words "and appointed" the words "in the case of a district board and newly elected and appointed in the case of a local board" shall be inserted.

Amendment of section 36D.

8. In sub-section (*1*) of section 36D of the said Act the words "such proportion of" and the words "as the Provincial Government may, from time to time, direct" shall be omitted.

Amendment of section 131.

9. In the first proviso to section 131 of the said Act—

(*a*) the words "and appointments" occurring in two places shall be omitted; and

(*b*) after the words "or re-appointed" the words "for the purpose of sub-section (*2*) of section 10" shall be inserted.

Transitory provisions.

10. Notwithstanding anything contained in the Bengal Local Self-Government Act of 1885—

(*a*) all the members of a district board appointed before the commencement of this Act under section 7 or section 131 of the Act shall, on the commencement of this Act, vacate their offices and the elected members of the board shall be deemed to constitute the board and the commencement of the term of their office shall be deemed to be the date on which they came into office under section 19A of the Act;

the Vice-Chairman of the district board, unless he is exercising the powers of the Chairman in his absence, shall also vacate his office as Vice-Chairman on the commencement of the Act:

Provided that the existing Chairman or a Vice-Chairman, if he is exercising the powers of the Chairman in his absence, shall continue in office till a new Chairman is elected or appointed under the provisions of clause (*b*) or (*c*) of this section or under section 22 or section 23A of the Act, as the case may be;

(*b*) a fresh election of the Chairman and Vice-Chairman of the district board from among the elected members shall be held after the commencement of this Act. The District Magistrate shall within a month from the commencement of this Act or such further time as may be allowed by the Provincial Government convene a meeting of the elected members for the purpose of electing a Chairman. Seven days' clear notice shall be given of the meeting:

Provided that there shall be no fresh election of the Chairman and the Vice-Chairman under this clause if within a period of fifteen days from the date of commencement of the Act the names of the elected members of the board as a result of a general election held for reconstitution of the board are published in the *Official Gazette;*

(*c*) if the elected members fail to elect a Chairman within the time prescribed in clause (*b*), the Provincial Government shall appoint by name one of the elected members to be the Chairman;

(*d*) the number of members of a board shall be deemed to be the total number of elected seats on the board fixed by the existing orders of the Provincial Government until the number is altered by the Provincial Government.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL.

Judicial and Legislative (Legislative) Department.

NOTIFICATION.

No. 7L.—3rd January, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information:—

West Bengal Act X of 1947

THE BENGAL VILLAGE SELF-GOVERNMENT (WEST BENGAL AMENDMENT) ACT, 1947.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 5th January, 1948.]

An Act further to amend the Bengal Village Self-Government Act, 1919.

WHEREAS it is expedient further to amend the Bengal Village Self-Government Act, 1919, for the purposes and in the manner hereinafter appearing; Ben. Act V of 1919.

It is hereby enacted as follows:—

Short title.

1. The Act may be called the Bengal Village Self-Government (West Bengal Amendment) Act, 1947.

Amendment of section 6 of Bengal Act V of 1919.

2. In section 6 of the Bengal Village Self-Government Act, 1919 (hereinafter referred to as the said Act)—

(*a*) sub-section (*3*) including the proviso shall be omitted, and

(*b*) for sub-section (*4*) the following sub-section shall be substituted, namely:—

"(*4*) If on the date fixed for the election, the electors of any union board fail to elect any member or members the vacancy or vacancies shall be filled by another election. If for any reason no member or members are elected at such second election, the vacancy or vacancies shall be filled by appointment by the District Magistrate; and any person so appointed shall be deemed to be a duly elected member:

Provided that no person who is not entitled to be elected as a member of the union board under section 7 shall be so appointed."

Amendment of section 11.

3. In section 11 of the said Act the words "and appointed" shall be omitted.

Amendment of section 12.

4. In sub-section (*2*) of section 12 of the said Act, after the words "or re-appointment" the words, figures and brackets "for the purpose of sub-section (*4*) of section 6" shall be added.

Amendment of section 13.

5. In section 13 of the said Act—

(*a*) for the words "an elected or appointed member" the words "a member" shall be substituted;

(*b*) the words "or appointed" shall be omitted.

Amendment of section 17A.

6. In clause (*iii*) of section 17A of the said Act, after the words "or appointed" the words, figures and brackets "under sub-section (*4*) of section 6" shall be inserted.

Amendment of section 55A.

7. In section 55A of the said Act—

(*a*) the words "and fresh appointments shall be made" shall be omitted, and

(*b*) after the words "or re-appointed" the words, figures and brackets "for the purpose of sub-section (*4*) of section 6" shall be inserted.

Amendment of section 101.

8. In clause (*a*) of sub-section (*2*) of section 101 of the said Act the words "appointment or" shall be omitted.

Transitory provisions.

9. Notwithstanding anything contained in the Bengal Village Self-Government Act, 1919—

(*a*) all the members of a Union Board appointed before the commencement of this Act under sub-section (*3*) of section 6 or sub-section (*2*) of section 57 shall, on the commencement of this Act, vacate their offices and the elected members of the board shall be deemed to constitute the board and the commencement of the term of their office shall be deemed to be the date on which they came into office under the provisions of section 11 of the Act;

The Bengal Village Self-Government (West Bengal Amendment) Act, 1947.

(Section 9.)

the Vice-President of the Union Board, if any, unless he is exercising the powers of the President in his absence shall also vacate his office as Vice-President on the commencement of this Act:

Provided that the existing President or Vice-President of the Union Board if he is exercising the powers of the President in his absence shall continue in office till a new President is elected or appointed under the provisions of clause (*b*) or (*c*) of this section or under section 8 of the Act, as the case may be;

(*b*) a fresh election of the President and Vice-President, if any, of the Union Board from among the elected members shall be held after the commencement of this Act. The District Magistrate shall within a month from the commencement of this Act or such further time as may be allowed by the Provincial Government issue an order on the Circle Officer or such other person (not being one of the members) as the said Magistrate may select directing him to convene a meeting of the elected members for the purpose of electing a President from among them within one month from the date of the order:

Provided that there shall be no fresh election of the President and Vice-President under this clause, if within a period of fifteen days from the date of the commencement of this Act, the names of the elected members of the board as a result of a general election held for reconstitution of the board are published in the *Official Gazette*;

(*c*) if the elected members of the Union Board fail to elect a President within the time prescribed in clause (*b*), the District Board shall appoint an elected member of the Union Board to be the President; and

(*d*) the number of members of a Union Board shall be deemed to be the total number of elected seats on the board fixed by the existing orders of the Provincial Government until the number is altered by the Provincial Government.

By order of the Governor,

B. K. GUHA,

Secy to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL.

Judicial and Legislative (Legislative) Department.

NOTIFICATION.

No. 8L.—3rd January, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information:—

West Bengal Act XI of 1947

THE BENGAL MUNICIPAL (WEST BENGAL AMENDMENT) ACT, 1947.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 5th January, 1948.]

An Act further to amend the Bengal Municipal Act, 1932.

WHEREAS it is expedient further to amend the Bengal Municipal Act, 1932, for the purposes and in the manner hereinafter appearing; Ben. Act XV of 1932.

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bengal Municipal (West Bengal Amendment) Act, 1947.

Amendment of section 16 of Bengal Act XV of 1932.

2. In section 16 of the Bengal Municipal Act, 1932 (hereinafter referred to as the said Act)—

(*a*) for the words "Three-fourths of the total number of Commissioners shall be elected in the manner prescribed; the remaining one-fourth shall be appointed by the Provincial Government" the following words shall be substituted, namely:—

"Commissioners to be elected and appointment of Commissioner in a newly created Municipality.

16. The Commissioners shall be elected in the manner prescribed.", and

(*b*) proviso (*1*) shall be omitted.

Omission of section 17 of the Act.

3. Section 17 of the said Act shall be omitted.

Amendment of section 18 of the Act.

4. In section 18 of the said Act—

(*a*) in sub-section (*1*), clause (*i*) including the proviso shall be omitted;

(*b*) for sub-section (*2*) the following shall be substituted, namely:—

"(*2*) In any municipality where any industrial constituency is constituted in the manner mentioned in sub-clause (*a*) of clause (*ii*) of sub-section (*1*), the election of the Commissioners from such constituency shall be made from persons directly concerned or connected with such industry or industries and the labour employed therein."

Amendment of section 19 of the Act.

5. In sub-section (*1*) of section 19 of the said Act the words and figures "or section 17" shall be omitted.

Amendment of section 26 of the Act.

6. In section 26 of the said Act,—

(*a*) the figures "17" shall be omitted;

(*b*) to section 26, the words "Any person so appointed shall be deemed to be duly elected Commissioner" shall be added.

Amendment of section 45 of the Act.

7. In sub-section (*1*) of section 45, for the words "of the names of the persons appointed to be Commissioners whichever publication may be later" the words "where Commissioners are appointed, within twenty-one days from the date of the publication of the names of the persons appointed" shall be substituted.

The Bengal Municipal (West Bengal Amendment) Act, 1947.

(*Sections 8-13.*)

Amendment of section 56 of the Act.

8. In section 56 of the said Act—

(*a*) in clause (*a*) of sub-section (*1*) the words "whether elected or appointed" shall be omitted; and

(*b*) in sub-section (*3*) after the words "or reappointment" the words and figures "for the purpose of section 26" shall be added.

Amendment of section 57 of the Act.

9. In sub-section (*7*) of section 57—

(*a*) (*i*) the words "and fresh appointment" shall be omitted; and

(*ii*) after the words "or appointment" the words and figures "under section 26" shall be added.

Amendment of section 552 of the Act.

10. In section 552 of the said Act—

(*a*) the words "and fresh appointments shall be made" shall be omitted;

(*b*) after the words "and appointment of Commissioners" the words, figures and brackets "under section 26 (if any)" shall be inserted; and

(*c*) after the words "or re-appointed" the words and figures "for the purpose of section 26" shall be inserted.

Amendment of section 554 of the Act.

11. In sub-section (*2*) of section 554—

in clause (*ii*)—

(*i*) the words "and fresh appointment" shall be omitted, and

(*ii*) after the words "or appointment" the words and figures "under section 26" shall be inserted.

Omission of Schedule II of the Act.

12. Schedule II of the said Act shall be omitted.

Transitory provisions.

13. Notwithstanding anything contained in the Bengal Municipal Act, 1932— **Ben. Act XV of 1932.**

(*a*) all the Commissioners of a municipality appointed before the commencement of this Act under section 16 except those appointed under proviso (*2*) to section 16 or under section 17 or under clause (*ii*) of sub-section (*2*) of section 554 of the Act shall, on the commencement of the Act, vacate their offices and the Commissioners of the Municipality shall be deemed to be constituted of the elected Commissioners only and the commencement of their term of office shall be deemed to be the date on which they came into office under the provision of section 56 of the Act;

the Vice-Chairman of the Municipality, unless he is exercising the powers of the Chairman in his absence, shall also vacate his office as Vice-Chairman on the commencement of this Act:

Provided that the existing Chairman or the Vice-Chairman, if he is exercising the powers of the Chairman in his absence, shall continue in office till a new Chairman is elected or appointed under the provisions of clause (*b*) or (*c*) of this section or under section 45 or section 46 of the Act, as the case may be;

(*b*) a fresh election of the Chairman and the Vice-Chairman of the Municipality from among the elected Commissioners shall be held after the commencement of this Act. The District Magistrate shall within a month from the commencement of this Act or such further time as may be allowed by the Provincial Government convene a meeting of the elected Commissioners for the purpose of electing a Chairman. Seven days' clear notice shall be given of the meeting:

The Bengal Municipal (West Bengal Amendment) Act, 1947.

(*Section 13.*)

Provided that there shall be no fresh election of Chairman and Vice-Chairman under this clause if within a period of fifteen days from the date of the commencement of this Act, the names of the elected Commissioners of the Municipality as a result of a general election held for reconstitution of the Commissioners are published in the *Official Gazette;*

(*c*) if the elected Commissioners fail to elect a Chairman within the time prescribed in clause (*b*), the Provincial Government shall appoint by name one of the elected Commissioners to be the Chairman;

(*d*) the number of Commissioners of the Municipality shall be deemed to be the total number of elected seats on the Municipality fixed by the existing orders of the Provincial Government until the number is altered by the Provincial Government.

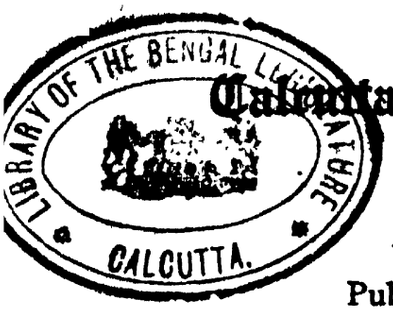
By order of the Governor,

B. K. GUHA,
Secy. to the Govt. of West Bengal.

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WEDNESDAY, JANUARY 7, 1948

RT VI—Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.

[As introduced in the Constituent Assembly of India (Legislative.]

A

BILL

to consolidate and amend the law regulating labour in factories.

WHEREAS it is expedient to consolidate and amend the law regulating ›our in factories;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called › Factories Act, 1948.

(*2*) It extends to all the Provinces of India.

(*3*) It shall come into force on the 1st day of April 1948.

2 Interpretation.—In this Act, unless there is anything repugnant in › subject or context,—

(*a*) "adult" means a person who has completed his eighteenth year;

(*b*) "adolescent" means a person who has completed his fifteenth but has not completed his eighteenth year;

(*c*) "child" means a person who has not completed his fifteenth year;

(*d*) "young person" means a person who is either a child or an adolescent;

(*e*) "day" means a period of twenty-four hours beginning at midnight;

(*f*) "week" means a period of seven days beginning at midnight on Saturday night;

(*g*) "power" means electrical energy, and any other form of energy which is mechanically transmitted and is not generated by human or animal agency;

(*h*) "prime mover" means any engine, motor or other appliance which generates or otherwise provides power;

(*i*) "transmission machinery" means any shaft, wheel, drum, pulley, system of pulleys, coupling, clutch, driving belt or other appliance or device by which the motion of a prime mover is transmitted to or received by any machinery or appliance;

(*j*) "machinery" includes prime movers, transmission machinery and all other appliances whereby power is generated, transformed, transmitted or applied;

(*k*) "manufacturing process" means any process for—

(*i*) making, altering, repairing, ornamenting, finishing, packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery, or disposal, or

(*ii*) pumping oil, water or sewage, or

(*iii*) generating, transforming or transmitting power;

(*l*) "worker" means a person employed, whether for wages or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work whatsoever incidental to or connected with the manufacturing process, or the subject of the manufacturing process, but does not include any person solely employed in a clerical capacity in any room or place where no manufacturing process is being carried on;

(*m*) "factory" means any premises including the precincts thereof—

(*i*) whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or

(*ii*) whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on,—

but does not include a mine subject to the operation of the Indian Mines Act, 1923 (IV of 1923);

(*n*) "occupier" of a factory means the person who has ultimate control over the affairs of the factory, and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory;

(*o*) "prescribed" means prescribed by rules made by the Provincial Government under this Act;

(*p*) where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a "relay" and the period or periods for which a relay works is called a "shift."

3. References to time of day.—In this Act references to time of day are references to Indian Standard Time, being five and a half hours ahead of Greenwich Mean Time:

Provided that for any area in which Indian Standard Time is not ordinarily observed the Provincial Government may make rules—

(*a*) specifying the area;

(*b*) defining the local mean time ordinarily observed therein;

(*c*) permitting such time to be observed in all or any of the factories situated in the area.

4. Power to exempt change in factory.—Where the Provincial Government is satisfied that by reason of a change of occupier of a factory or in the manufacturing process carried on therein, the number of workers for the time being working in the factory is less than ten in a case where power is used or less than twenty in a case where power is not used, and is not likely to be ten or twenty, as the case may be, or more on any day during the ensuing twelve months, the Provincial Government may, by order in writing, exempt, save as is otherwise provided by or under section 86, such factory from the operation of this Act:

Provided that any exemption so made shall cease to have effect on and after any day on which ten or twenty, as the case may be, or more workers work in the factory, or in the latter case, on which power is used in the factory and ten or more workers work therein.

5. Power to declare departments to be separate factories.—The Provincial Government may, by order in writing, direct that different departments or branches of a specified factory shall be treated as separate factories for all or any of the purposes of this Act.

6. Power to exempt during public emergency.—In any case of public emergency the Provincial Government may, by notification in the official Gazette, exempt any factory from all or any of the provisions of this Act for such period and subject to such conditions as it may think fit.

7. Approval, licensing and registration of factories.—(*1*) The Provincial Government may make rules—

(*a*) requiring the previous permission in writing of the Provincial Government or the Chief Inspector to be obtained for the establishment or extension of any factory or class or description of factories;

(*b*) requiring for the purpose of considering applications for such permission the submission of plans and specifications;

(*c*) prescribing the nature of such plans and specifications and by whom they shall be certified;

(*d*) requiring the registration and licensing of factories or any class or description of factories, and prescribing the fees payable for such registration and licensing and for the renewal of licences.

(*2*) If on an application for permission referred to in clause (*a*) of sub-section (*1*) accompanied by the plans and specifications required by the rules made under clause (*b*) of that sub-section, sent to the Provincial Government or Chief Inspector by registered post, no order is communicated to the applicant within three months from the date on which it is so sent, the permission applied for in the said application shall be deemed to have been granted.

Explanation.—A factory shall not be deemed to be extended within the meaning of this section by reason only of the replacement of any plant or machinery, or within such limits as may be prescribed, of the addition of any plant or machinery.

8. Notice of manager and other particulars of factory.—(*1*) At least fifteen days before work is begun in any new factory, the occupier shall send to the Chief Inspector a written notice containing—

(*a*) the name of the factory and its situation;

(*b*) the address to which communications relating to the factory should be sent;

(*c*) the nature of the manufacturing process to be carried on in the factory;

(*d*) the nature and amount of the power to be used;

(*e*) the name of the person who shall be the manager of the factory for the purposes of this Act;

(*f*) the approximate number of workers to be employed in the factory;

(*g*) such other particulars as may be prescribed.

(*2*) Whenever any other person is appointed as manager of a factory, the occupier shall send to the Chief Inspector a written notice within seven days from the date on which the new manager assumes charge.

(*3*) During any period for which no person has been designated as manager of a factory or during which the person designated does not manage the factory any person found acting as manager, or if no such person is found, the occupier himself, shall be deemed to be the manager of the factory for all the purposes of this Act.

CHAPTER II

THE INSPECTING STAFF

9. Inspectors.—(*1*) The Provincial Government may, by notification in the official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

(*2*) The Provincial Government may, by notification as aforesaid, appoint any person to be a Chief Inspector, who shall in addition to the powers conferred on a Chief Inspector under this Act exercise the powers of an Inspector throughout the province.

(*3*) No person shall be appointed under sub-section (*1*), sub-section (*2*) or sub-section (*5*) or, having been so appointed, shall continue to hold office, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

(*4*) Every District Magistrate shall be an Inspector for his district.

(*5*) The Provincial Government may also, by notification as aforesaid, appoint such public officers as it thinks fit to be additional Inspectors for all or any of the purposes of this Act, within such local limits as it may assign to them respectively.

(*6*) In any area where there are more Inspectors than one, the Provincial Government may by notification as aforesaid declare the powers which such Inspectors shall respectively exercise and the Inspector to whom the prescribed notices are to be sent.

(*7*) Every Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code (XLV of 1860), and shall be officially subordinate to such authority as the Provincial Government may specify in this behalf.

10. Powers of Inspectors.—Subject to any rules made in this behalf an Inspector may, within the local limits for which he is appointed,—

(*a*) enter, with such assistants (if any), being persons in the service of the Crown or any local or other public authority, as he think fit, any place which is used, or which he has reason to believe is used, as a factory;

(*b*) make such examination of the premises, plant and machinery, require the production of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act;

(*c*) exercise such other powers as may be prescribed or as he may deem necessary for carrying out the purposes of this Act:

Provided that no person shall be required under this section to answer any question or give any evidence tending to incriminate himself.

11. Certifying surgeons.—(*1*) The Provincial Government may appoint ich qualified medical practitioners as it thinks fit to be certifying surgeons for ie purposes of this Act within such local limits as it may assign to them spectively.

(*2*) A certifying surgeon may, with the approval of the Provincial Gov-nment, authorise any qualified medical practitioner to exercise any of his)wers under this Act for such period as the certifying surgeon may specify id subject to such conditions, if any, as the Provincial Government may iink fit to impose, and references in this Act to a certifying surgeon shall be eemed to include references to any qualified medical practitioner when so ithorised.

(*3*) No person shall be appointed to be, or authorised to exercise the)wers of a certifying surgeon, or having been so appointed or authorised, ntinue to exercise such powers, who is or becomes the occupier of a factory is or becomes directly or indirectly interested therein or in any process or isiness carried on therein or in any patent or machinery connected there-ith.

(*4*) The certifying surgeon shall carry out such duties as may be escribed in connection with—

(*a*) the examination and certification of young persons under this Act;

(*b*) the examination of persons engaged in factories in such dangerous occupations or processes as may be prescribed;

(*c*) the exercising of such medical supervision as may be prescribed in any factory or class or description of factories where—

(*i*) cases of illness have occurred which it is reasonable to believe are due to the nature of the manufacturing process carried on, or other conditions of work prevailing, therein;

(*ii*) by reason of any change in the manufacturing process carried on or in the substances used therein or by reason of the adoption of any new manufacturing process or of any new substance for use in a manufacturing process, there is a likelihood of risk of injury to the health of workers employed in that manufacturing process;

(*iii*) young persons are, or are about to be, employed in any work which is likely to cause risk of injury to their health.

Explanation.—In this section "qualified medical practitioner" means a rson holding a qualification granted by an authority specified in the hedule to the Indian Medical Degrees Act, 1916 (VII of 1916), or in the hedules to the Indian Medical Council Act, 1933 (XXVII of 1933).

CHAPTER III

Health

12. Cleanliness.—(*1*) Every factory shall be kept clean and free from luvia arising from any drain, privy or other nuisance, and in particular—

(*a*) accumulations of dirt and refuse shall be removed daily by an effective method from the floors and benches of workrooms and from staircases and passages, and disposed of in a suitable manner;

(*b*) the floor of every workroom shall be cleaned at least once in every week by washing, or if it is effective and suitable, by sweeping or some other method;

(*c*) where a floor is liable to become wet in the course of any manufacturing process to such extent as to be capable of being drained, effective means of drainage shall be provided and maintained;

(*d*) all inside walls and partitions, all ceilings or tops of rooms and all walls, sides and tops of passages and staircases shall—

(*i*) where they are painted or varnished, be repainted or revarnished at least once in every period of seven years;

(*ii*) where they are painted or varnished or where they have smooth impervious surfaces, be washed at least once in every period of fourteen months with hot water and soap or other suitable detergent or cleaned by some other method approved by the Chief Inspector;

(*iii*) in any other case, be kept whitewashed or colourwashed, and the whitewashing or colourwashing shall be carried out at least once in every period of fourteen months;

(*e*) the dates on which the processes required by clause (*d*) are carried out shall be entered in the prescribed register.

(*2*) The Provincial Government may by order exempt any factory or class or description of factories from any of the provisions of this section or specify alternative methods for keeping the factory in a clean state.

13. Disposal of wastes and effluents.—(*1*) Effective arrangements shall be made in every factory for the disposal of wastes and effluents due to the manufacturing process carried on therein.

(*2*) The Provincial Government may make rules requiring that the arrangements made in accordance with sub-section (*1*) shall be approved by such authority as may be prescribed.

14. Ventilation and temperature.—(*1*) Effective and suitable provision shall be made in every factory for securing and maintaining in every workroom—

(*a*) adequate ventilation by the circulation of fresh air, and

(*b*) such a temperature as will secure to workers therein reasonable conditions of comfort and prevent risk of injury to health;—

and in particular,—

(*i*) walls and roofs shall be of such material and designed so that such temperature shall not be exceeded, but kept as low as practicable;

(*ii*) where the nature of the work carried on in the factory involves, or is likely to involve, the production of excessively high temperatures, such adequate measures as are practicable shall be taken to protect the workers therefrom, by separating the process which produces such temperatures from the workroom, by insulating the hot parts or by other effective means.

(*2*) If it appears to the Provincial Government that in any factory or class or description of factories excessively high temperatures can be reduced by such methods as whitewashing, spraying or screening outside walls or roofs or windows, or by raising the level of the roof, or by insulating the roof either by an air-space and double roof or by the use of insulating roof materials, or by other methods, it may prescribe such of those methods as shall be adopted in the factory.

15. Dust and fume.—(*1*) In every factory in which, by reason of the manufacturing process carried on, there is given off any dust or fume or other impurity of such a nature and to such an extent as to be likely to be injurious or offensive to the workers employed therein, or any dust in substantial quantities, effective measures shall be taken to prevent its inhalation and its accumulation in any workroom, and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity, and such point shall be enclosed so far as possible.

(3) In any factory no stationary internal combustion engine shall be operated unless the exhaust is conducted into the open air, and no other internal combustion engine shall be operated in any room unless effective measures have been taken to prevent such accumulation of fumes therefrom as are likely to be injurious to workers employed in the room.

16. Artificial humidification.—(1) In respect of all factories in which the humidity of the air is artificially increased, the Provincial Government may make rules,—

(a) prescribing standards of humidification;

(b) regulating the methods used for artificially increasing the humidity of the air;

(c) directing prescribed tests for determining the humidity of the air to be correctly carried out and recorded;

(d) prescribing methods to be adopted for securing adequate ventilation and cooling of the air in the workrooms.

(2) In any factory in which the humidity of the air is artificially increased, the water used for the purpose shall be taken from a public supply, or other source, of drinking water, or shall be effectively purified before it is so used.

(3) If it appears to an Inspector that the water used in a factory for increasing humidity which is required to be effectively purified under sub-section (2) is not effectively purified, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

17. Overcrowding.—(1) No room in any factory shall be overcrowded to an extent injurious to the health of the workers employed therein.

(2) Without prejudice to the generality of sub-section (1), there shall be allowed in every workroom of a factory at least 350 cubic feet (or such other volume as may be prescribed for any factory or class or description of factories) of space for every worker employed therein, and for the purposes of this sub-section no account shall be taken of any space which is more than fourteen feet above the level of the floor of the room.

(3) If the Chief Inspector by order in writing so requires, there shall be posted in each workroom of a factory a notice specifying the maximum number of workers who may, in compliance with the provisions of this section, be employed in the room.

(4) The Chief Inspector may by order in writing exempt, subject to such conditions, if any, as he may think fit to impose, any workroom from the provisions of this section, if he is satisfied that compliance therewith in respect of the room is unnecessary in the interests of the health of the workers employed therein.

18. Lighting.—(1) In every part of a factory in which workers are working or passing there shall be provided and maintained sufficient and suitable natural or artificial lighting.

(2) In every factory all glazed windows and skylights used for the lighting of the workrooms shall be kept clean on both the inner and outer surfaces and, so far as compliance with the provisions of any rules made under sub-section (2) of section 14 will allow, free from obstruction.

(3) In every factory effective provision shall, so far as is practicable, be made for the prevention of—

(a) glare, either directly from a source of light or by reflection from a smooth or polished surface;

(b) the formation of shadows to such an extent as to cause eyestrain or the risk of accident to any worker.

(*4*) The Provincial Government may prescribe standards of sufficient and suitable lighting for factories or for any class or description of factories or for any manufacturing process.

19. Drinking water.—(*1*) In every factory effective arrangements shall be made to provide and maintain at suitable points conveniently situated for all workers employed therein a sufficient supply of wholesome drinking water.

(*2*) All such points shall be legibly marked "drinking water" in a language understood by a majority of the workers employed in the factory, and no such point shall be situated within twenty feet of any washing place, urinal or latrine.

(*3*) In every factory wherein more than two hundred and fifty workers are ordinarily employed and power is used, methods of cooling drinking water during hot weather by refrigeration or other effective means shall be provided and in respect of other factories the Provincial Government may make rules requiring such methods to be adopted.

(*4*) In respect of all factories or any class or description of factories the Provincial Government may make rules for securing compliance with the provisions of this section and for the examination by prescribed authorities of the supply of drinking water in factories.

20. Latrines and urinals.—(*1*) In every factory—

(*a*) sufficient latrine and urinal accommodation of prescribed types shall be provided;

(*b*) separate accommodation shall be provided for male and female workers;

(*c*) such accommodation shall be adequately lighted and ventilated, and no latrine or urinal shall communicate with any workroom except through the open air or an intervening ventilated passage;

(*d*) all such accommodation shall be maintained in a clean and sanitary condition at all times;

(*e*) sweepers shall be employed whose primary duty it is to keep clean latrines, urinals and washing places.

(*2*) In every factory wherein more than two hundred and fifty workers are ordinarily employed—

(*a*) all latrine and urinal accommodation shall be of prescribed sanitary types;

(*b*) the floors and internal walls, up to a height of three feet, of the latrines and urinals and the sanitary blocks shall be laid in glazed tiles or otherwise finished to provide a smooth polished impervious surface;

(*c*) without prejudice to the provisions of clauses (*d*) and (*e*) of sub-section (*1*), the floors, portions of the walls and blocks so laid or finished and the sanitary pans of latrines and urinals shall be thoroughly washed and cleaned at least once in every seven days with suitable detergents.

(*3*) The Provincial Government may by rules prescribe the number of latrines and urinals to be provided in any factory in proportion to the numbers of male and female workers ordinarily employed therein, and provide for such further matters in respect of sanitation in factories as it considers necessary in the interest of the health of the workers employed therein.

21. Spittoons.—In every factory there shall be provided a sufficient number of spittoons in convenient places and they shall be maintained in a clean and hygienic condition.

CHAPTER IV

SAFETY

22. Fencing of machinery.—(*1*) In every factory the following—

(*i*) every moving part of a prime mover and every flywheel connected to a prime mover, whether the prime mover or flywheel is in the engine house or not;

(*ii*) the headrace and tailrace of every water-wheel and water turbine;

(*iii*) any part of a stock-bar which projects beyond the head-stock of a lathe;

and, unless they are in such position or of such construction as to be safe to every person employed in the factory as they would be if they were securely fenced, the following—

(*a*) every part of electric generators, motors and rotary convertors;

(*b*) every part of transmission machinery;

(*c*) every dangerous part of any other machinery,

shall be securely fenced by safeguards of substantial construction and kept in position while the parts of machinery they are fencing are in motion or in use:

Provided that for the purpose of determining whether any part of machinery is in such position or is of such construction as to be safe as aforesaid, account shall not be taken of any occasion when, it being necessary to make an examination of the machinery while it is in motion or, as a result of such examination, to carry out any mounting or shipping of belts, lubrication or other adjusting operation while the machinery is in motion, such examination or operation is made or carried out in accordance with the provisions of section 23.

(*2*) The Provincial Government may by rules prescribe such further precautions as it may consider necessary in respect of any particular machinery, or part thereof, or exempt, subject to such conditions, if any, as may be prescribed, for securing the safety of the workers, any particular machinery or part thereof from the provisions of this section.

23. Work on or near machinery in motion.—(*1*) Where in any factory it becomes necessary to examine any part of machinery referred to in section 22 while the machinery is in motion, or as a result of such examination, to carry out any mounting or shipping of belts, lubrication or other adjusting operation while the machinery is in motion such examination or operation shall be made or carried out only by a specially trained adult male worker wearing tight fitting clothing whose name has been recorded in the register prescribed in this behalf and while he is so engaged,—

(*a*) such worker shall not handle a belt at a moving pulley unless the belt is less than six inches in width and unless the belt-joint is either laced or flush with the belt;

(*b*) without prejudice to any other provision of this Act relating to the fencing of machinery, every set screw, bolt and key on any revolving shaft, spindle, wheel or pinion, and all spur, worm and other toothed or friction gearing in motion with which such worker would otherwise be liable to come into contact, shall be securely fenced to prevent such contact.

(*2*) No woman or child shall be allowed in any factory to clean, lubricate or adjust any part of the machinery while that part is in motion under power, or to work between moving parts, or between fixed and moving parts, of any machinery which is in motion under power.

(3) The Provincial Government may, by notification in the official Gazette, prohibit, in any specified factory or class or description of factories, the cleaning, lubricating or adjusting by any person of specified parts of machinery when those parts are in motion under power.

24. Striking gear and devices for cutting off power.—(1) In every factory—

(a) suitable striking gear or other efficient mechanical appliance shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery, and such gear or appliances shall be so constructed, placed and maintained as to prevent the belt from creeping back on to the fast pulley;

(b) driving belts when not in use shall not be allowed to rest or ride upon shafting in motion.

(2) In every factory suitable devices for cutting off power in emergencies from running machinery shall be provided and maintained in every workroom:

Provided that in respect of factories in operation before the commencement of this Act, the provisions of this sub-section shall apply only to workrooms in which electricity is used as power.

25. Self-acting machines.—No traversing part of a self-acting machine in any factory and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass whether in the course of his employment or otherwise, be allowed to run on its outward or inward traverse within a distance of eighteen inches from any fixed structure which is not part of the machine:

Provided that the Chief Inspector may permit the continued use of a machine installed before the commencement of this Act which does not comply with the requirements of this section on such conditions for ensuring safety as he may think fit to impose.

26. Casing of new machinery.—(1) In all machinery driven by power and installed in any factory after the commencement of this Act,—

(a) every revolving shaft, wheel and pinion and every set screw, bolt or key on any revolving shaft or part shall be effectively guarded or so sunk or encased as to prevent danger;

(b) all spur, worm and other toothed or friction gearing which does not require frequent adjustment while in motion shall be completely encased, unless it is so situated as to be as safe as it would be if it were completely encased.

(2) Whoever sells or lets on hire or, as agent of a seller or hirer, causes or procures to be sold or let on hire, for use in a factory any machinery driven by power which does not comply with the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

(3) The Provincial Government may make rules applying the provisions of this section to any particular machine or class or description of machines and specifying the types of safeguards to be provided thereon.

27. Prohibition of employment of women and children near cotton-openers.—No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work:

Provided that if the feed-end of a cotton-opener is in a room separated from the delivery end by a partition extending to the roof or to such height as the Inspector may in any particular case specify in writing, women and children may be employed on the side of the partition where the feed-end is situated.

28. Hoists and lifts.—(*1*) In every factory—

(*a*) every hoist and lift shall be—

(*i*) of good mechanical construction, sound material and adequate strength;

(*ii*) properly maintained, and shall be thoroughly examined by a competent person at least once in every period of six months, and a register shall be kept containing the prescribed particulars of every such examination;

(*b*) every hoistway and liftway shall be efficiently protected by an enclosure fitted with gates, and the hoist or lift and every such enclosure shall be so constructed as to prevent any person or thing from being trapped between any part of the hoist or lift and any fixed structure or moving part;

(*c*) the maximum safe working load shall be plainly marked on every hoist or lift, and no load greater than such load shall be carried thereon;

(*d*) the cage of every hoist or lift used for carrying persons shall be fitted with a gate on each side from which access is afforded to a landing;

(*e*) every gate referred to in clause (*b*) or clause (*d*) shall be fitted with interlocking or other efficient device to secure that the gate cannot be opened except when the cage is at the landing and that the cage cannot be moved unless the gate is closed.

(*2*) The following additional requirements shall apply to hoists and lifts used for carrying persons and installed or reconstructed in a factory after the commencement of this Act, namely:—

(*a*) where the cage is supported by rope or chain, there shall be at least two ropes or chains separately connected with the cage and balance weight, and each rope or chain with its attachments shall be capable of carrying the whole weight of the cage together with its maximum load;

(*b*) sufficient devices shall be provided and maintained capable of supporting the cage together with its maximum loan in the event of breakage of the ropes, chains or attachments;

(*c*) an efficient automatic device shall be provided and maintained to prevent the cage from over-running.

(*3*) The Chief Inspector may permit the continued use of a hoist or lift alled in a factory before the commencement of this Act which does not y comply with the provisions of sub-section (*1*) and upon such condi- s for ensuring safety as he may think fit to impose.

(*4*) The Provincial Government may, if in respect of any class or ription of hoist or lift it is of opinion that it would be unreasonable to orce any requirement of this section, by order direct that such require- t shall not apply to such class or description of hoist or lift.

29. Cranes and other lifting machinery.—(*1*) The following provisions l apply in respect of cranes and all other lifting machinery (other than ts and lifts) in any factory, namely:-

(*a*) every part thereof, including the working gear, whether fixed or movable, ropes and chains and anchoring and fixing appliances shall be -

(*i*) of good construction, sound material and adequate strength;

(*ii*) properly maintained, and shall be thoroughly examined by a competent person at least once in every period of twelve months, and a register shall be kept containing the prescribed particulars of every such examination;

(*b*) no such machinery shall be loaded beyond the safe working load which shall be plainly inscribed thereon;

(*c*) while any person is employed or working on or near the wheel-track of a travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken to ensure that the crane does not approach within twenty feet of that place.

(*2*) The Provincial Government may make rules in respect of any lifting machinery or class or description of lifting machinery in factories—

(*a*) prescribing requirements to be complied with in addition to those set out in this section;

(*b*) exempting from compliance with all or any of the requirements of this section, where in its opinion such compliance is unnecessary or impracticable.

30. Revolving machinery.—(*1*) In every room in a factory in which the process of grinding is carried on there shall be permanently affixed to or placed near each machine in use a notice indicating the maximum safe working peripheral speed of every grindstone or abrasive wheel, the speed of the shaft or spindle upon which the wheel is mounted, and the diameter of the pulley upon such shaft or spindle necessary to secure such safe working peripheral speed.

(*2*) The speeds indicated in notices under sub-section (*1*) shall not be exceeded.

(*3*) Effective measures shall be taken in every factory to ensure that the safe working peripheral speed of every revolving vessel, cage, basket, flywheel, pulley, disc or similar appliance driven by power is not exceeded.

31. Pressure plant.—(*1*) If in any factory any part of the plant or machinery used in a manufacturing process is operated at a pressure above atmospheric pressure, effective measures shall be taken to ensure that the safe working pressure of such part is not exceeded.

(*2*) The Provincial Government may make rules providing for the examination and testing of any plant or machinery such as is referred to in sub-section (*1*) and prescribing such other safety measures in relation thereto as may in its opinion be necessary in any factory or class or description of factories.

32. Floors, stairs, and means of access.—In every factory—

(*a*) all floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained, and where it is necessary to ensure safety, steps, stairs, passages and gangways shall be provided with substantial handrails;

(*b*) there shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person is at any time required to work.

33. Pits, sumps, openings in floors, etc.—In every factory every fixed vessel, sump, tank, pit or opening in the ground or in a floor which, by reason of its depth, situation, construction or contents, is or may be a source of danger, shall be either securely covered or securely fenced.

34. Excessive weights.—(*1*) No person shall be employed in any factory to lift, carry or move any load so heavy as to be likely to cause him injury.

(*2*) The Provincial Government may make rules prescribing the maximum weights which may be lifted, carried or moved by adult men, adult women, adolescents and children employed in factories or in any class or description of factories or in carrying on any specified process.

Protection of eyes.—In respect of any such manufacturing process carried on in any factory as may be prescribed, being a process which involves—

(*a*) special risk of injury to the eyes from particles or fragments thrown off in the course of the process, or

(*b*) risk to the eyes by reason of exposure to excessive light,—

the Provincial Government may by rules require that effective screens or suitable goggles shall be provided for the protection of persons employed in, or in the immediate vicinity of, the process.

36. Precautions against dangerous fumes.—(*1*) In any factory no person shall enter or be permitted to enter any chamber, tank, vat, pit, pipe, flue or other confined space in which dangerous fumes are likely to be present to such an extent as to involve risk of persons being overcome hereby, unless it is provided with a manhole of adequate size or other effective means of egress.

(*2*) No portable electric light of voltage exceeding twenty-four volts shall be permitted in any factory for use inside any confined space such as is referred to in sub-section (*1*), and where the fumes present are likely to be inflammable, no lamp or light other than of flame-proof construction shall be permitted to be used in such confined space.

(*3*) No person in any factory shall enter or be permitted to enter any confined space such as is referred to in sub-section (*1*) until all practicable measures have been taken to remove any fumes which may be present and to prevent any ingress of fumes and unless either—

(*a*) a certificate in writing has been given by a competent person, based on a test carried out by himself, that the space is free from dangerous fumes and fit for persons to enter, or

(*b*) the worker is wearing suitable breathing apparatus and a belt securely attached to a rope, the free end of which is held by a person standing outside the confined space.

(*4*) Suitable breathing apparatus, reviving apparatus and belts and ropes shall in every factory be kept ready for instant use beside any such confined space as aforesaid which any person has entered, and all such apparatus shall be periodically examined and certified by a competent person to be fit for use; and a sufficient number of persons employed in every factory shall be trained and practised in the use of all such apparatus and in the method of restoring respiration.

(*5*) No person shall be permitted to enter in any factory any boiler furnace, boiler flue, chamber tank, vat, pipe or other confined space for the purpose of working or making any examination therein until it has been sufficiently cooled by ventilation or otherwise to be safe for persons to enter.

(*6*) The Provincial Government may make rules prescribing the minimum dimensions of the manholes referred to in sub-section (*1*), and may by order in writing exempt, subject to such conditions as it may think fit to impose, any factory or class or description of factories from compliance with any of the provisions of this section.

37. Explosive or inflammable dust, etc.—(*1*) Where in any factory any manufacturing process produces dust, gas, fume or vapour of such character and to such extent as to be likely to explode on ignition, all practicable measures shall be taken to prevent any such explosion by—

(*a*) effective enclosure of the plant or machinery used in the process;

(*b*) removal or prevention of the accumulation of such dust, gas, fume or vapour;

(*c*) exclusion or effective enclosure of all possible sources of ignition.

(2) Where in any factory the plant or machinery used in a process such as is referred to in sub-section (1) is not so constructed as to withstand the probable pressure which such an explosion as aforesaid would produce, all practicable measures shall be taken to restrict the spread and effects of the explosion by the provision in the plant or machinery of chokes, baffles, vents or other effective appliances.

(3) Where any part of the plant or machinery in a factory contains any explosive or inflammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened except in accordance with the following provisions, namely:—

(a) before the fastening of any joint of any pipe connected with the part or the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part or any such pipe shall be effectively stopped by a stop-valve or other means;

(b) before any such fastening as aforesaid is removed, all practicable measures shall be taken to reduce the pressure of the gas or vapour in the part or pipe to atmospheric pressure;

(c) where any such fastening as aforesaid has been loosened or removed, effective measures shall be taken to prevent any explosive or inflammable gas or vapour from entering the part or pipe until the fastening has been secured, or, as the case may be, securely replaced:

Provided that the provisions of this sub-section shall not apply in the case of plant or machinery installed in the open air.

(4) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected in any factory to any welding, brazing, soldering or cutting operation which involves the application of heat, unless adequate measures have first been taken to remove such substance and any fumes arising therefrom or to render such substance and fumes non-explosive or non-inflammable, and no such substance shall be allowed to enter such plant, tank or vessel after any such operation until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(5) The Provincial Government may by rules exempt, subject to such conditions as may be prescribed, any factory or class or description of factories from compliance with all or any of the provisions of this section.

38. Precautions in case of fire.—(1) Every factory shall be provided with such means of escape in case of fire as may be prescribed, and if it appears to the Inspector that any factory is not so provided, he may serve on the manager of the factory an order in writing specifying the measures which, in his opinion, should be adopted to bring the factory into conformity with the provisions of this section and any rules made thereunder, and requiring them to be carried out before a date specified in the order.

(2) In every factory the doors affording exit from any room shall not be locked or fastened so that they cannot be easily and immediately opened from the inside while any person is within the room, and all such doors, unless they are of the sliding type, shall be constructed to open outwards.

(3) In every factory, every window, door or other exit affording a means of escape in case of fire, other than the means of exit in ordinary use, shall be distinctively marked in a language understood by the majority of the workers and in red letters of adequate size or by some other effective and clearly understood sign.

(4) There shall be provided in every factory effective and clearly audible means of giving warning in case of fire to every person employed in the factory.

(5) A free passage-way giving access to each means of escape in case of fire shall be maintained for the use of all workers in every room of a factory.

(6) Effective measures shall be taken to ensure that in every factory—

(*a*) wherein more than twenty workers are ordinarily employed in any place above the ground floor, or

(*b*) wherein explosive or highly inflammable materials are used or stored,—

all the workers are familiar with the means of escape in case of fire and have been adequately trained in the routine to be followed in such case.

(7) The Provincial Government may make rules prescribing, in respect of any factory or class or description of factories, the means of escape to be provided in case of fire and the nature and amount of fire-fighting appara-tus to be provided and maintained.

39. Power to require specifications of defective parts or tests of stability.—If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it may be dangerous to human life or safety, he may serve on the manager of the factory an order in writing requiring him before a specified date—

(*a*) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such building, ways, machinery or plant can be used with safety, or

(*b*) to carry out such tests as may be necessary to determine the strength or quality of any specified parts, and to inform the Inspector of the results thereof.

40. Safety of buildings and machinery.—(*1*) If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, he may serve on the manager of the factory an order in writing specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(*2*) If it appears to the Inspector that the use of any building or part of a building or any part of the ways, machinery or plant in a factory involves imminent danger to human life or safety, he may serve on the manager of the factory an order in writing prohibiting its use until it has been properly repaired or altered.

41. Power to make rules to supplement this Chapter.—The Provincial Government may make rules—

(*a*) requiring the provision in any factory or in any class or description of factories of such further devices for securing the safety of persons employed therein as it may deem necessary;

(*b*) providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

CHAPTER V

WELFARE

42. Washing facilities.—(*1*) In every factory—

(*a*) adequate and suitable facilities for washing shall be provided and maintained for the use of the workers therein;

(*b*) separate and adequately screened facilities shall be provided for the use of male and female workers;

(*c*) such facilities shall be conveniently accessible and shall be kept clean.

(*2*) The Provincial Government may, in respect of any factory or class or description of factories or of any manufacturing process, prescribe standards of adequate and suitable facilities for washing.

43. Facilities for storing and drying clothing.—The Provincial Government may, in respect of any factory or class or description of factories, make rules requiring the provision therein of suitable places for keeping clothing not worn during working hours and for the drying of wet clothing.

44. Facilities for sitting.—(*1*) In every factory suitable arrangements for sitting shall be provided and maintained for all workers obliged to work in a standing position, in order that they may take advantage of any opportunities for rest which may occur during the course of their work.

(*2*) If, in the opinion of the Chief Inspector, the workers in any factory engaged in a particular manufacturing process or working in a particular room are able to do their work efficiently in a sitting position, he may, by order in writing, require the occupier of the factory to provide before a specified date such seating arrangements as may be practicable for all workers so engaged or working.

(*3*) The Provincial Government may, by notification in the official Gazette, declare that the provisions of sub-section (*1*) shall not apply to any specified factory or class or description of factories or to any specified manufacturing process.

45. First-aid appliances.—(*1*) There shall in every factory be provided and maintained so as to be readily accessible during all working hours first-aid boxes or cupboards equipped with the prescribed contents, and the number of such boxes or cupboards to be provided and maintained shall not be less than one for every one hundred and fifty workers ordinarily employed in the factory.

(*2*) Nothing except the prescribed contents shall be kept in the boxes and cupboards referred to in sub-section (*1*), and all such boxes and cupboards shall be kept under the charge of a responsible person who is trained in first-aid treatment and who shall always be available during the working hours of the factory.

(*3*) In every factory wherein more than one thousand workers are ordinarily employed there shall be provided and maintained an ambulance room or dispensary of the prescribed size, containing the prescribed equipment and in the charge of such medical and nursing supervisory staff as may be prescribed.

46. Canteens.—(*1*) The Provincial Government may make rules requiring that in any specified factory wherein more than two hundred and fifty workers are ordinarily employed, an adequate canteen shall be provided and maintained for the use of the workers.

(*2*) Without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the date by which such canteen shall be provided;

(*b*) the standards in respect of construction, accommodation, furniture and other equipment of the canteen;

(*c*) the foodstuffs to be served therein and the charges which may be made therefor;

(*d*) representation of the workmen in the management of the canteen;

(*e*) enabling, subject to such conditions, if any, as may be prescribed, the power to make rules under clause (*c*) to be exercised also by the Chief Inspector.

47. Shelters and rest rooms.—(*1*) In every factory wherein more than one hundred and fifty workers are ordinarily employed, adequate and suitable shelters or rest rooms shall be provided and maintained for the use of the workers:

Provided that any canteen maintained in accordance with the provisions section 46 shall be regarded as part of the accommodation required by s section.

(2) The shelters or rooms required to be provided by sub-section (1) shall sufficiently lighted and ventilated and shall be maintained in a cool and an condition.

(3) The Provincial Government may—

(a) prescribe the standards in respect of construction, accommodation, furniture and other equipment of shelters and rest rooms to be provided under this section;

(b) by notification in the official Gazette exempt any factory or class or description of factories from the requirements of this section.

48. Creches.—(1) In every factory wherein more than fifty women kers are ordinarily employed there shall be provided and maintained a able room or rooms for the use of children under the age of six years nging to such women.

(2) Such rooms shall provide adequate accommodation, shall be adetely lighted and ventilated shall be maintained in a clean and sanitary dition and shall be under the charge of women trained in the care of dren and infants.

(3) The Provincial Government may make rules—

(a) prescribing the location and the standards in respect of construction, accommodation, furniture and other equipment of rooms to be provided under this section;

(b) requiring the provision in factories to which this section applies of additional facilities for the care of children belonging to women workers, including suitable provision of facilities for washing and changing their clothing;

(c) requiring the provision in any factory of free milk for such children;

(d) requiring that facilities shall be given in any factory for the mothers of such children to feed them at the necessary intervals.

9. Welfare officers.—(1) If in respect of any factory wherein more than hundred workers are ordinarily employed, the Chief Inspector by order riting served on the occupier of the factory so directs, there shall be loyed in the factory such number of officers as may be specified in the , charged with the duty of supervising the welfare of the workers oyed in the factory.

) The Provincial Government may by rules prescribe the duties, qualiions and conditions of service of officers employed in accordance with der under sub-section (1):

ovided that in prescribing the conditions of service of such officers shall be had to the conditions of service of other officers employed in rvisory capacity in the factory.

. Power to make rules to supplement this Chapter.—The Provincial ment may make rules—

exempting, subject to compliance with such alternative arrangements for the welfare of workers as may be prescribed, any factory or class or description of factories from compliance with any of the provisions of this Chapter;

requiring in any factory or class or description of factories that representatives of the workers employed in the factory shall be associated in the management of arrangements for the welfare of the workers;

providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

CHAPTER VI

Working Hours of Adults.

51. Weekly hours.—No adult worker shall be employed in a factory f more than forty-eight hours in any week:

Provided that an adult male worker in a factory who is engaged in wo which for technical reasons must be continuous throughout the day may employed for fifty-six hours in a week.

52. Weekly holidays.—(*1*) No adult worker shall be employed in factory on a Sunday unless—

(*a*) he has had or will have a holiday for a whole day on one of t three days immediately before or after that Sunday, and

(*b*) the manager of the factory has, before that Sunday or the subst tuted day, whichever is earlier,—

(*i*) delivered a notice to the office of the Inspector of his intenti to require the worker to work on the Sunday and of t day which is to be substituted, and

(*ii*) displayed a notice to that effect in the factory:

Provided that no substitution shall be made which will result in a worker working for more than ten days consecutively without a holiday f a whole day.

(*2*) Notices given under sub-section (*1*) may be cancelled by a noti delivered to the office of the Inspector and a notice displayed in the facto not later than the day before the Sunday or the holiday to be cancelle whichever is earlier.

(*3*) Where, in accordance with the provisions of sub-section (*1*), a worker works on a Sunday and has had a holiday on one of the three da immediately before it, that Sunday shall, for the purpose of calculating t weekly hours of work, be included in the preceding week.

53. Compensatory holidays.—(*1*) Where, as a result of the passing of order or the making of a rule under the provisions of this Act exempti a factory or the workers therein from the provisions of section 52, a work is deprived of any of the weekly holidays for which provision is made sub-section (*1*) of that section, he shall be allowed, within the month which the holidays were due to him or within the two months immediat following that month, compensatory holidays of equal number to t holidays so lost.

(*2*) The Provincial Government may make rules prescribing the mann in which the holidays for which provision is made in sub-section (*1*) sh be allowed.

54. Daily hours.—No adult worker shall be employed in a factory more than nine hours in any day.

55. Intervals for rest.—The periods of work of adult workers in a fact during each day shall be so fixed that no period shall exceed five ho and so that no worker shall work—

(*a*) for more than five hours before he has had an interval for rest at least half an hour or such longer duration, not exceeding t hour, as may, in respect of any particular factory or class description of factories or in respect of any particular man facturing process, be prescribed, or

(*b*) for more than eight hours before he has had at least two s intervals.

56. Spreadover.—Save with the permission of the Provincial Government d subject to such conditions as it may impose, either generally or in the se of any particular factory, the periods of work of an adult worker in factory shall be so arranged that along with his intervals for rest under tion 55, they shall not spread over more than ten and a half hours in y day.

57. Night shifts.—Where a worker in a factory works on a shift which ends beyond midnight,—

(*a*) for the purposes of sections 52 and 53 a holiday for a whole day shall mean in his case a period of twenty-four consecutive hours beginning when his shifts ends;

(*b*) the following day for him shall be deemed to be the period of twenty-four hours beginning when such shift ends, and the hours he has worked after midnight shall be counted in the previous day:

Provided that the Provincial Government may, by order in writing, ect that in the case of any specified factory or of any specified class of rkers in a factory the following day shall be deemed to be the period twenty-four hours beginning when such shift begins and that the hours rked before midnight shall be counted in the following day.

58. Prohibition of overlapping shifts.—(*1*) Work shall not be carried on any factory by means of a system of shifts so arranged that more than relay of workers is engaged in work of the same kind at the same time

(*2*) The Provincial Government may make rules exempting, subject to h conditions as may be prescribed, any factory or class or description of tories from the provisions of sub-section (*1*).

59. Extra pay for overtime.—(*1*) Where a worker works in a factory for re than nine hours in any day or for more than forty-eight hours in any ek, he shall be entitled in respect of the overtime worked to pay at the rate of twice his ordinary rate of pay.

(*2*) Where any workers in a factory are paid on a piece rate basis, the Provincial Government, in consultation with the industry concerned, may, for the purposes of this section, fix time rates as nearly as possible equivalent to the average rate of earnings of those workers, and the rates so fixed shall be deemed to be the ordinary rates of pay of those workers for the purposes of this section.

(*3*) For the purposes of this section, ordinary rate of pay includes basic pay and such allowances as the worker is for the time being entitled to, but does not include a bonus.

(*4*) The Provincial Government may prescribe the registers that shall be maintained in a factory for the purpose of securing compliance with the provisions of this section.

60. Restriction on double employment.—No adult worker shall be employed in any factory on any day on which he has already been working in any other factory, save in such circumstances as may be prescribed.

61. Notice of periods for work for adults.—(*1*) There shall be displayed and correctly maintained in every factory in accordance with the provisions of sub-section (*2*) of section 109 a Notice of Periods for Work for Adults, showing clearly the periods within which adult workers may be required to work.

(*2*) The periods shown in the notice required by sub-section (*1*) shall be fixed beforehand in accordance with the following provisions of this section, and shall be such that workers working for those periods would not be working in contravention of any of the provisions of sections 51, 52, 54, 55 and 56.

(3) Where all the adult workers in a factory are required to work withi the same periods, the manager of the factory shall fix those periods for su workers generally.

(4) Where all the adult workers in a factory are not required to wo within the same periods, the manager of the factory shall classify the into groups according to the nature of their work.

(5) For each group which is not required to work on a system of shift the manager of the factory shall fix the periods within which the grou may be required to work.

(6) Where any group is required to work on a system of shifts and t relays are not to be subject to predetermined periodical changes of shift the manager of the factory shall fix the periods within which each rel of the group may be required to work.

(7) Where any group is to work on a system of shifts and the relays ar to be subject to predetermined periodical changes of shifts, the manag of the factory shall draw up a scheme of shifts whereunder the perio within which any relay of the group may be required to work and the rel which will be working at any time of the day shall be known for any da

(8) The Provincial Government may prescribe forms for the noti required by sub-section (1) and the manner in which it shall be maintain

(9) In the case of a factory beginning work after the commencemen of this Act, a copy of the notice referred to in sub-section (1) shall be se in duplicate to the Inspector before the day on which work is begun the factory.

(10) Any proposed change in the system of work in any factory which w necessitate a change in the notice referred to in sub-section (1) or in sub-se tion (7) of section 39 of the Factories Act, 1934 (XXV of 1934), shall notified to the Inspector in duplicate before the change is made, and exce with the previous sanction of the Inspector, no such change shall be ma until one week has elapsed since the last change.

62. Register of Adult Workers.—(1) The manager of every factory sh maintain a Register of Adult Workers, to be available to the Inspecto all times during working hours, showing—

(a) the name of each adult worker in the factory;

(b) the nature of his work;

(c) the group, if any, in which he is included;

(d) where his group works on shifts, the relay to which he is allott

(e) such other particulars as may be prescribed:

Provided that, if the Inspector is of opinion that any muster roll register maintained as part of the routine of a factory gives in respect any or all the workers in the factory the particulars required under t section, he may, by order in writing, direct that such muster roll or regis shall to the corresponding extent be maintained in place of, and be trea as, the Register of Adult Workers in that factory:

Provided further that where the Provincial Government is satisfied t the conditions of work in any factory or class or description of facto are such that there is no appreciable risk of contravention of the provis of this Chapter in the case of that factory or factories of that class description, the Provincial Government may, by written order, exempt, such conditions as it may impose, that factory or all factories of that cl or description, as the case may be, from the provisions of this section.

(2) The Provincial Government may prescribe the form of the Regis of Adult Workers, the manner in which it shall be maintained and t period for which it shall be preserved.

3. Hours of work to correspond with Notice under section 61 and ister under section 62.—No adult worker shall be employed in any ory otherwise than in accordance with the Notice of Periods for Work Adults displayed in the factory and the entries made beforehand against name in the Register of Adult Workers of the factory.

4. Power to make exempting rules.—(*1*) The Provincial Government make rules defining the persons who hold positions of supervision or agement or are employed in a confidential position in a factory, and the isions of this Chapter, other than the provisions of clause (*b*) of sub- ion (*1*) of section 66 and of the proviso to that sub-section, shall not y to any person so defined.

(*2*) The Provincial Government may make rules in respect of adult kers in factories providing for the exemption, to such extent and subject uch conditions as may be prescribed:—

(*a*) of workers engaged on urgent repairs, from the provisions of sections 51, 52, 54, 55 and 56;

(*b*) of workers engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory, from the provisions of sections 54, 55 and 56;

(*c*) of workers engaged in work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the intervals for rest required by or under section 55, from the provisions of sections 54, 55 and 56;

(*d*) of workers engaged in any work which for technical reasons must be carried on continuously throughout the day, from the provisions of sections 51, 52, 54, 55 and 56;

(*e*) of workers engaged in making or supplying articles of prime necessity which must be made or supplied every day, from the provisions of section 52;

(*f*) of workers engaged in a manufacturing process which cannot be carried on except during fixed seasons, from the provisions of section 52;

(*g*) of workers engaged in a manufacturing process which cannot be carried on except at times dependent on the irregular action of natural forces, from the provisions of sections 52 and 55;

(*h*) of workers engaged in engine-rooms or boiler-houses or in attending to power-plant or transmission machinery, from the provisions of section 52.

) Rules made under sub-section (*2*) providing for any exemption may rovide for any consequential exemption from the provisions of section hich the Provincial Government may deem to be expedient, subject conditions as it may prescribe.

In making rules under this section the Provincial Government shall be the maximum limits for the weekly hours of work for all classes of rs, and any exemption given, other than an exemption under clause (*a*) section (*2*), shall be subject to such limits.

Rules made under this section shall remain in force for not more than ears.

Power to make exempting orders.—(*1*) Where the Provincial Govern- is satisfied that, owing to the nature of the work carried on or to other nstances, it is unreasonable to require that the periods of work of any workers in any factory or class or description of factories should be fixed hand, it may, by written order, relax or modify the provisions of section respect of such workers therein, to such extent and in such manner as it think fit, and subject to such conditions as it may deem expedient to e control over periods of work.

(2) The Provincial Government or, subject to the control of the Provinci Government, the Chief Inspector, may by written order exempt, on such con tions as it or he may deem expedient, any or all of the adult workers in a factory or group or class or description of factories from any or all of t provisions of sections 51, 52, 54, 55, 56 and 61, on the ground that the exem tion is required to enable the factory or factories to deal with an exceptio press of work.

(3) Any exemption given under sub-section (2) in respect of week hours of work shall be subject to the maximum limits prescribed under su section (4) of section 64.

(4) An order under sub-section (2) shall remain in force for such per not exceeding two months from the date on which notice thereof is giv to the manager of the factory, as may be specified in the order:

Provided that, if in the opinion of the Provincial Government the Pub interest so requires, the Provincial Government may from time to time, notification in the official Gazette, extend the operation of any such or for such period, not exceeding six months at any one time, as may specified in the notification.

66. Further restrictions on employment of women.—(1) The provis of this Chapter shall, in their application to women workers in factories, supplemented by the following further restrictions, namely:—

(a) no exemption from the provisions of section 54 may be granted respect of any woman;

(b) no woman shall be employed in any factory except between t hours of 6 a.m. and 7 p.m.:

Provided that the Provincial Government may, by notification in official Gazette, in respect of any class or description of factories, vary limits laid down in clause (b), so however that no such variation sh authorise the employment of any woman between the hours of 10 p.m. 5 a.m.

(2) The Provincial Government may make rules providing for exemption from the restrictions set out in sub-section (1), to such ex and subject to such conditions as it may prescribe, of women working fish-curing or fish-canning factories, where the employment of wo beyond the hours specified in the said restrictions is necessary to pre damage to, or deterioration in, any raw material.

(3) Rules made under sub-section (2) shall remain in force for not than three years.

67. Power to make rules to supplement this Chapter.—The Provi Government may make rules providing for any other matter which ma expedient in order to give effect to the provisions of this Chapter.

CHAPTER VII

Employment of Young Persons

68. Prohibition of employment of young children.—No child who has completed his thirteenth year shall be employed, or permitted to work, in factory.

69. Non-adult workers to carry tokens.—A child who has complete thirteenth year or an adolescent shall not be employed or permitted to w in any factory unless—

(a) a certificate of fitness granted with reference to him under se 70 is in the custody of the manager of the factory, and

(b) such child or adolescent carries while he is at work a token gi a reference to such certificate.

70. Certificates of fitness.—(*1*) A certifying surgeon shall, on the application of any young person or his parent or guardian accompanied by a document signed by the manager of a factory that such person will be employed therein if certified to be fit for work in a factory, or on the application of the manager of the factory in which any young person wishes to work, examine such person and ascertain his fitness for work in a factory.

(*2*) The certifying surgeon, after examination, may grant to such young person, in the prescribed form, or may renew—

(*a*) a certificate of fitness to work in a factory as a child, if he is satisfied that the young person has completed his thirteenth year, that he has attained the prescribed physical standards (if any) and that he is fit for such work;

(*b*) a certificate of fitness to work in a factory as an adult, if he is satisfied that the young person has completed his fifteenth year and is fit for a full day's work in a factory:

Provided that unless the certifying surgeon has personal knowledge of the place where the young person proposes to work and of the manufacturing process in which he will be employed, he shall not grant or renew a certificate under this sub-section until he has examined such place.

(*3*) A certificate of fitness granted or renewed under sub-section (*2*)—

(*a*) shall be valid only for a period of twelve months from the date thereof;

(*b*) may be made subject to conditions in regard to the nature of the work in which the young person may be employed, or requiring re-examination of the young person before the expiry of the period of twelve months.

(*4*) A certifying surgeon may revoke any certificate granted or renewed under sub-section (*2*) if in his opinion the holder of it is no longer fit to work in the capacity stated therein in a factory.

(*5*) Where a certifying surgeon refuses to grant or renew a certificate or a certificate of the kind requested or revokes a certificate, he shall, if so requested by any person who could have applied for the certificate or the renewal thereof, state his reasons in writing for so doing.

(*6*) Where a certificate under this section with reference to any young person is granted or renewed subject to such conditions as are referred to in clause (*b*) of sub-section (*3*), the young person shall not be employed, or permitted to work, in any factory except in accordance with those conditions.

71. Effect of certificate of fitness granted to adolescent.—(*1*) An adolescent who has been granted a certificate of fitness to work in a factory as an adult under clause (*b*) of sub-section (*2*) of section 70, and who while at work in a factory carries a token giving reference to the certificate shall be deemed to be an adult for all the purposes of Chapter VI.

(*2*) An adolescent who has not been granted a certificate of fitness to work in a factory as an adult under the aforesaid clause (*b*) shall, notwithstanding his age, be deemed to be a child for all the purposes of this Act.

72. Working hours for children.—(*1*) No child shall be employed, or permitted to work, in any factory—

(*a*) for more than four and a half hours in any day;

(*b*) between the hours of 7 p.m. and 6 a.m.

(*2*) The period of work of all children employed in a factory shall be limited to two shifts which shall not overlap or exceed five hours each; and each child shall be employed in only one of the relays which shall not, except with the previous permission in writing of the Chief Inspector, be changed more frequently than once in a period of thirty days.

(*3*) The provisions of section 52 shall apply also to child workers, and no exemption from the provisions of that section may be granted in respect of any child.

(*4*) No child shall be employed, or permitted to work, in any factory on any day on which he has already been working in another factory.

73. Notice of periods for work for children.—(*1*) There shall be displayed and correctly maintained in every factory in which children are employed in accordance with the provisions of sub-section (*2*) of section 109 a Notice of Periods for Work for Children, showing clearly the periods within which children may be required to work.

(*2*) The periods shown in the notice required by sub-section (*1*) shall be fixed beforehand in accordance with the method laid down for adult workers in section 61, and shall be such that children working for those periods would not be working in contravention of any of the provisions of section 72.

(*3*) The provisions of sub-sections (*8*), (*9*) and (*10*) of section 61 shall apply also to the notice required by sub-section (*7*) of this section.

74. Register of Child Workers.—(*1*) The manager of every factory in which children are employed shall maintain a Register of Child Workers, to be available to the Inspector at all times during working hours, showing—

(*a*) the name of each child worker in the factory;

(*b*) the nature of his work;

(*c*) the group, if any, in which he is included;

(*d*) where his group works on shifts, the relay to which he is allotted;

(*e*) the number of his certificate of fitness granted under section 70;

(*f*) such other particulars as may be prescribed.

(*2*) The Provincial Government may prescribe the form of the Register of Child Workers, the manner in which it shall be maintained and the period for which it shall be preserved.

75. Hours of work to correspond with Notice under section 73 and Register under section 74.—No child shall be employed in any factory otherwise than in accordance with the Notice of Periods for Work for Children displayed in the factory and the entries made beforehand against his name in the Register of Child Workers of the factory.

76. Power to require medical examination.—Where an Inspector is of opinion—

(*a*) that any person working in a factory without a certificate of fitness is a young person, or

(*b*) that a young person working in a factory with a certificate of fitness is no longer fit to work in the capacity stated therein,—

he may serve on the manager of the factory a notice requiring that such person or young person, as the case may be, shall be examined by a certifying surgeon, and such person or young person shall not, if the Inspector so directs, be employed, or permitted to work, in any factory until he has been so examined and has been granted a certificate of fitness or a fresh certificate of fitness, as the case may be, under section 70, or has been certified by the certifying surgeon examining him not to be a young person.

77. Power to make rules.—The Provincial Government may make rules—

(*a*) prescribing the forms of certificates of fitness to be granted under section 70, providing for the grant of duplicates in the event of loss of the original certificates, and fixing the fees which may be charged for such certificates and renewals thereof and such duplicates;

(*b*) prescribing the physical standards to be attained by children and adolescents working in factories;

(*c*) regulating the procedure of certifying surgeons under this Chapter;

(*d*) specifying other duties which certifying surgeons may be required to perform in connection with the employment of young persons in factories, and fixing the fees which may be charged for such duties and the persons by whom they shall be payable;

(*e*) providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

78. Certain other provisions of law not barred.—The provisions of this apter shall be in addition to, and not in derogation of, the provisions of e Employment of Children Act, 1938 (XXVI of 1938).

CHAPTER VIII

Holidays with Pay

79. Application of Chapter.—The provisions of this Chapter—

(*a*) shall not apply to a worker in a factory employed in a manufacturing process which is ordinarily carried on for less than one hundred and eighty working days in the year;

(*b*) shall not operate to the prejudice of any rights to which a worker may be entitled under any other law or under the terms of any award, agreement or contract of service.

80. Annual holidays.—(*1*) Every worker who has completed a period of elve months' continuous service in a factory shall be allowed during the bsequent period of twelve months, holidays for ten days in the case of an ult or fourteen days in the case of a child, inclusive of the day or days, if y, on which he is entitled to a holiday under sub-section (*1*) of section 52:

Provided that where the employment of a worker who has completed a iod of six months' continuous service in a factory is terminated before has completed a period of twelve months' continuous service, he shall be emed to have become entitled to holidays for the number of days which ars to the number of days specified in his case in this sub-section the same portion as the period of his continuous service bears to one year, and the upier of the factory shall pay to him the amount payable under section 81 respect of the number of holidays to which he is so deemed to have ome entitled.

(*2*) If a worker does not in any one such period of twelve months take the ole of the holidays allowed to him under sub-section (*1*), any holidays not en by him shall be added to the holidays to be allowed to him under that -section in the succeeding period of twelve months, so however that the al number of day's holidays which may be carried forward to a succeeding iod shall not exceed ten in the case of an adult or fourteen in the case of hild.

(*3*) A worker may in any such period of twelve months apply in writing he manager of the factory, not less than three full working days before date on which he wishes his holidays to begin, to take all or any number he holidays allowable to him during that period under sub-sections (*1*) (*2*), either on one occasion or on two occasions, at his option:

Provided that his first application during the period shall be,—

(*a*) if he is an adult, for not less than six days or one-half of the total number of holidays so allowable to him during the period, whichever is greater;

(*b*) if he is a child, for not less than nine days or one-half of the total number of holidays so allowable to him during the period, whichever is greater.

(*4*) If, for the purpose of ensuring the continuity of work in a factory, the Works Committee of the factory, if any, constituted under section 3 of the Industrial Disputes Act, 1947 (XIV of 1947), or if there is no such Works Committee in the factory, the manager of the factory in agreement with representatives of the workers therein chosen in the prescribed manner, may lodge with the Chief Inspector a scheme in writing whereby the holidays allowable under this section may be regulated for the above purpose

(*5*) A scheme lodged under sub-section (*4*) shall be posted in convenient places in the factory and shall be in force for a period of twelve months from the date on which it is lodged with the Chief Inspector, and may thereafter be renewed, with or without modification, for further periods of twelve months at any one time, by the said Works Committee or, as the case may be, by the manager of the factory in agreement with representatives of the workers as aforesaid.

(*6*) An application for holidays which does not contravene the provisions of sub-section (*3*) shall not be refused unless the refusal is in accordance with a scheme for the time being in operation lodged under sub-section (*4*).

(*7*) If a worker entitled to holidays under sub-sections (*1*) and (*2*) is discharged from the factory before he has taken all the holidays to which he is so entitled, or if, having applied for and having been refused such holidays, he quits his employment before he has taken the holidays, the occupier of the factory shall pay him the amount payable under section 81 in respect of the holidays not taken.

Explanation 1.—For the purposes of this section, a worker shall be deemed to have completed a period of continuous service in a factory notwithstanding any interruption in service during that period brought about by sickness, accident or authorised leave not exceeding one-quarter of the period in the aggregate for all three, or by a lock-out, or by a strike which is not an illegal strike, or one or more periods of involuntary unemployment not exceeding one-twelfth of the period in the aggregate.

Explanation 2.—For the purposes of *Explanation 1*—

(*a*) authorised leave shall include any casual absence due to illness or other reasonable cause provided that the worker within three days from the commencement of the absence gives the reasons for the absence in writing to the manager of the factory, and may include periods of unauthorised leave, not exceeding in the aggregate one-eighteenth of the period, but shall not include any weekly holiday allowed under section 52 which occurs at the beginning or end of an interruption brought about by the leave;

(*b*) in calculating the period of authorised leave or period of involuntary unemployment no account shall be taken of leave admissible and granted under any other law;

(*c*) "illegal strike" means a strike which is illegal within the meaning of section 24 of the Industrial Disputes Act, 1947 (XIV of 1947).

81. Pay during annual holidays.—Without prejudice to the conditions governing the day or days, if any, on which the worker is entitled to a holiday under sub-section (*1*) of section 52, a worker shall, for the remaining days of the holidays allowed to him under section 80, be paid at a rate equivalent to the daily average of his wages, as defined in the Payment of Wages Act, 1936 (IV of 1936), for the days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime.

82. Half payment in advance in certain cases.—A worker who has been allowed holidays for not less than six days under section 80 shall, before his holidays begin, be paid half the total pay due for the period of the holidays

83. Power of Inspector to act for worker.—Any Inspector may institute proceedings on behalf of any worker to recover any sum required to be paid by an employer under this Chapter which the employer has not paid.

84. Power to make rules.—(*1*) The Provincial Government may make rules to carry into effect the provisions of this Chapter.

(*2*) Without prejudice to the generality of the foregoing power rules may be made under this section prescribing the keeping by managers of factories of registers showing such particulars as may be prescribed and requiring such registers to be made available for examination by Inspectors.

(*3*) The Central Government may give directions to a Province as to the carrying into execution of the provisions of this section.

85. Power to exempt factories.—Where the Provincial Government is satisfied that the leave rules applicable to workers in a factory provide benefits in its opinion substantially similar to those for which this Chapter makes provision, it may, by written order, exempt the factory from the provisions of this Chapter, subject to such conditions, if any, as may be specified in the order.

CHAPTER IX

Special provisions

86. Certain provisions of Act to apply to other premises.—(*1*) The provisions of—

(*i*) clauses (*a*) and (*b*) of sub-section (*1*) of section 12, clause (*a*) of sub-section (*1*) of section 14, and sub-section (*1*) of section 18;

(*ii*) sub-section (*1*) of section 19 and sub-section (*1*) of section 20;

(*iii*) section 22;

(*iv*) section 50;

(*v*) sections 51, 52, 53 and 54;

(*vi*) sections 68, 72 and 77;

(*vii*) sections 88, 89, 90, 91, 110 and 111.

and such other provisions of this Act as the Provincial Government may, by notification in the official Gazette, specify in this behalf shall, so far as may be, apply to any premises, not being a factory or a mine subject to the operation of the Indian Mines Act, 1923 (IV of 1923), including the precincts thereof, in any part of which a manufacturing process is being carried on with or without the aid of power and otherwise than by the occupier thereof with the aid of his family only, or is ordinarily so carried on, as they apply to factories and all the references in this Act to a factory shall be construed accordingly.

(*2*) If in the opinion of the Inspector the facilities required to be provided under the provisions mentioned in clause (*ii*) of sub-section (*1*) are readily available to the workers in such premises as aforesaid in the immediate vicinity thereof, he may, by order in writing, direct that it shall not be necessary to provide the said facilities on the actual premises.

87. Dangerous operations.—Where the Provincial Government is of opinion that any operation carried on in a factory exposes any persons employed upon it to a serious risk of bodily injury, poisoning or disease, it may make rules applicable to any factory or class or description of factories in which the operation is carried on—

(*a*) specifying the operation and declaring it to be dangerous;

(*b*) prohibiting or restricting the employment of women, adolescents or children upon the operation;

(*c*) providing for the medical examination of persons employed, or seeking to be employed, upon the operation, and prohibiting the employment of persons not certified as fit for such employment;

(*d*) providing for the protection of all persons employed upon the operation or in the vicinity of the places where it is carried on;

(*e*) prohibiting, restricting or controlling the use of any specified materials or processes in connection with the operation.

88. Notice of certain accidents.—Where in any factory an accident occurs which causes death, or which causes any bodily injury by reason of which the person injured is prevented from working at any time during the period of seventy-two hours immediately following the accident, or which is of any such nature as may be prescribed in this behalf, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.

89. Notice of certain diseases.—(*1*) Where any worker in a factory contracts any disease specified in the Schedule, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.

(*2*) If any medical practitioner attends a person who is or has been employed in a factory, and who is, or is believed by the medical practitioner to be, suffering from any disease specified in the Schedule, the medical practitioner shall without delay send a report in writing to the office of the Chief Inspector stating—

(*a*) the name and full postal address of the patient;

(*b*) the disease from which he believes the patient to be suffering;

(*c*) the name and address of the factory in which the patient is, or was last, employed.

(*3*) Where it is confirmed to the satisfaction of the Chief Inspector, by a report of a certifying surgeon or otherwise, that a person who is the subject of a report under sub-section (*2*) is suffering from a disease specified in the Schedule, he shall pay to the medical practitioner in consideration for his report such fee as may be prescribed, and the fee so paid shall be recoverable (if necessary, as an arrear of land-revenue) from the occupier of the factory in which the person suffering from the disease was last employed.

(*4*) If any medical practitioner fails to comply with the provisions of sub-section (*2*), he shall be punishable with fine which may extend to fifty rupees.

90. Power to direct investigation of cases of accident or disease.—(*1*) The Provincial Government may, if it considers it expedient so to do, appoint a competent person to inquire into the causes of any accident occurring in a factory or into any case where a disease specified in the Schedule has been, or is suspected to have been, contracted in a factory, and may also appoint one or more persons possessing legal or special knowledge to act as assessors in such inquiry.

(*2*) The person appointed to hold an inquiry under this section shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908), for the purposes of enforcing the attendance of witnesses and compelling the production of documents and material objects, and may also, so far as may be necessary for the purposes of the inquiry, exercise any of the powers of an Inspector under this Act; and every person required by the person making the inquiry to furnish any information shall be deemed to be legally bound so to do within the meaning of section 176 of the Indian Penal Code (XLV of 1860).

(3) The person holding an inquiry under this section shall make a report
) the Provincial Government stating the causes of the accident, or as the
ase may be, disease, and any attending circumstances, and adding any
bservations which he or any of the assessors may think fit to make.

(4) The Provincial Government may, if it thinks fit, cause to be publish-
l any report made under this section or any extracts therefrom.

(5) The Provincial Government may make rules for regulating the
rocedure at inquiries under this section.

91. Power to take samples.—(1) An Inspector may at any time during
e normal working hours of a factory, after informing the occupier or
anager of the factory or other person for the time being purporting to be
charge of the factory, take in the manner hereinafter provided a sufficient
mple of any substance used or intended to be used in the factory, such
e being—

(a) in the belief of the Inspector in contravention of any of the provisions of this Act or the rules made thereunder, or

(b) in the opinion of the Inspector likely to cause bodily injury to, or injury to the health of, workers in the factory.

(2) Where the Inspector takes a sample under sub-section (1), he shall, the presence of the person informed under that sub-section unless such rson wilfully absents himself, divide the sample into three portions and fectively seal and suitably mark them, and shall permit such person to d his own seal and mark thereto.

(3) The person informed as aforesaid shall, if the Inspector so requires, ovided the appliances for dividing, sealing and marking the sample taken der this section.

(4) The Inspector shall—

(a) forthwith give one portion of the sample to the person informed under sub-section (1);

(b) forthwith send the second portion to a Government Analyst for analysis and report thereon;

(c) retain the third portion for production to the Court before which proceedings, if any, are instituted in respect of the substance.

(5) any document purporting to be a report under the hand of any overnment Analyst upon any substance submitted to him for analysis and eport under this section, may be used as evidence in any proceedings stituted in respect of the substance.

CHAPTER X.

Penalties and Procedure.

92. General penalty for offences.—Save as is otherwise expressly pro-ided in this Act and subject to the provisions of section 93, if in, or in espect of, any factory there is any contravention of any of the provisions f this Act or of any rule made thereunder or of any order in writing given hereunder, the occupier and manager of the factory shall each be guilty of n offence and punishable with imprisonment for a term which may extend o three months or with fine which may extend to five hundred rupees or ith both, and if the contravention is continued after conviction, with a urther fine which may extend to seventy-five rupees for each day on which he contravention is so continued:

Provided that if both the occupier and manager are convicted, the ggregate of the fines inflicted on them in respect of the same contraven-ion shall not exceed the amounts specified in this section.

93. Liability of owner of premises in certain circumstances.—Where in any premises separate buildings, or in any building separate parts of the building or separate parts of any room therein are leased or occupied by different persons in such a manner as to constitute separate factories, the owner of the premises or building, as the case may be, shall be liable, in the stead of the occupier of the factory for any contravention in, or in respect of, any part of the premises or building which is used as a factory, of—

(*a*) the provisions of Chapter III or of any rules made thereunder;

(*b*) the provisions of Chapter IV or of any rules made thereunder, except in so far as they relate to plant or machinery belonging to or supplied by the occupier of the factory;

(*c*) the provisions of Chapter V or of any rules made thereunder, and in computing for the purposes of any of the provisions mentioned in this clause the number of workers employed, the whole of the premises or building, as the case may be, shall be deemed to be a single factory;

Provided that—

(*i*) the provisions of this section shall not apply to, or in respect of, any building or room in the sole occupation of the occupier of a factory;

(*ii*) the aforesaid owner shall be liable for any contravention of any of the provisions of this Act or of the rules made thereunder relating to the cleanliness of sanitary conveniences only when those conveniences are used by workers of more than one occupier;

(*iii*) the aforesaid owner shall be liable for any contravention of any of the provisions of this Act or of the rules made thereunder relating to hoists and lifts, and means of escape and safety precautions in case of fire, only in so far as the said provisions relate to things under his control.

94. Enhanced penalty after previous conviction.—If any person who has been convicted of any offence punishable under section 92 is again guilty of an offence involving a contravention of the same provision, he shall be punishable on the second conviction with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees and shall not be less than two hundred rupees or with both, and if he is again so guilty, shall be punishable on the third or any subsequent conviction with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees and shall not be less than five hundred rupees or with both:

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished:

Provided further that the Court, if it is satisfied that there are exceptional circumstances warranting such a course, may, after recording its reasons in writing, impose a smaller fine than is required by this section.

95. Offences involving several persons.—If any persons are employed in a factory otherwise than in accordance with the provisions of this Act and of the rules and orders made thereunder, there shall be deemed to have been committed a separate offence in respect of each person so employed.

96. Penalty for obstructing Inspector.—Whoever wilfully obstructs an Inspector in the exercise of any power conferred on him by or under this Act, or fails to produce on demand by an Inspector any registers or other documents in his custody kept in pursuance of this Act or of any rule made thereunder, or conceals or prevents any worker in a factory from appearing before, or being examined by, an Inspector, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

97. Penalty for wrongfully disclosing results of analysis under section 91.—Whoever, except in so far as it may be necessary for the purposes of prosecution for any offence punishable under this Act, publishes or discloses to any person the results of an analysis made under section 91, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

98. Offences by workers.—(*1*) If any worker employed in a factory contravenes any provision of this Act or any rules or orders made thereunder, imposing any duty or liability on workers, he shall be punishable with fine which may extend to twenty rupees.

(*2*) Where a worker is convicted of an offence punishable under subsection (*1*), the occupier or manager of the factory shall not be deemed to be guilty of an offence in respect of that contravention, unless it is proved that he failed to take all reasonable measures for its prevention.

99. Penalty for using false certificate of fitness.—Whoever knowingly uses or attempts to use, as a certificate of fitness granted to himself under section 70, a certificate granted to another person under that section, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both.

100. Penalty for permitting double employment of child.—If a child works in a factory on any day on which he has already been working in another factory, the parent or guardian of the child or the person having custody of or control over him or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to fifty rupees, unless it appears to the Court that the child so worked without the consent, connivance or wilful default of such parent, guardian or person.

101. Determination of occupier in certain cases.—(*1*) Where the occupier of a factory is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable:

Provided that the firm or association may give notice to the Inspector that it has nominated one of its members who is resident within the Provinces of India to be the occupier of the factory for the purposes of this Chapter, and such individual shall, so long as he is so resident, be deemed to be the occupier of the factory for the purposes of this Chapter, until further notice cancelling his nomination is received by the Inspector or until he ceases to be a partner or member of the firm or association.

(*2*) Where the occupier of a factory is a company, any one of the directors thereof, or in the case of a private company, any one of the shareholders thereof, may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable:

Provided that the company may give notice to the Inspector that it has nominated a director, or in the case of a private company, a shareholder, who is resident in either case within the Provinces of India, to be the occupier of the factory for the purposes of this Chapter, and such director or shareholder, as the case may be, shall, so long as he is so resident, be deemed to be the occupier of the factory for the purposes of this Chapter, until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or shareholder.

(*3*) Where the owner of any premises or building referred to in section 93 is not an individual, the provisions of this section shall apply to such owner as they apply to occupiers of factories who are not individuals.

102. Exemption of occupier or manager from liability in certain cases.—(*1*) Where the occupier or manager of a factory is charged with an offence punishable under this Act, he shall be entitled, upon complaint duly made by him and on giving to the prosecutor not less than three clear days' notice in writing of his intention so to do, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or manager of the factory, as the case may be, proves to the satisfaction of the Court—

(*a*) that he has used due diligence to enforce the execution of this Act, and

(*b*) that the said other person committed the offence in question without his knowledge, consent or connivance,—

that other person shall be convicted of the offence and shall be liable to the like punishment as if he were the occupier or manager of the factory, and the occupier or manager, as the case may be, shall be discharged from any liability under this Act in respect of such offence:

Provided that in seeking to prove as aforesaid, the occupier or manager of the factory, as the case may be, may be examined on oath, and his evidence and that of any witness whom he calls in his support shall be subject to cross-examination on behalf of the person he charges as the actual offender and by the prosecutor.

(*2*) Where it is made to appear to the satisfaction of the Inspector at any time prior to the institution of proceedings in respect of an offence punishable under this Act -

(*a*) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Act, and

(*b*) by what person the offence has been committed, and

(*c*) that it has been committed without the knowledge, consent or connivance of the occupier or manager, or in contravention of his orders -

the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the factory, and such person shall be liable to the like punishment as if he were the occupier or manager.

103. Power of Court to make orders.—(*1*) Where the occupier or manager of a factory is convicted of an offence punishable under this Act otherwise than under section 94, the Court may, in addition to or instead of imposing any punishment, by order in writing require him, within a period specified in the order (which the Court may, if it thinks fit and on application in such behalf, from time to time extend) to take such measures as may be so specified for remedying the matters in respect of which the offence was committed.

(*2*) Where an order is made under sub-section (*1*), the occupier or manager of the factory, as the case may be, shall not be liable under this Act in respect of the continuation of the offence during the period or extended period, if any, allowed by the Court, but if, on the expiry of such period or extended period, as the case may be, the order of the Court has not been fully complied with, the occupier or manager, as the case may be, shall be deemed to have committed a further offence, and may be sentenced therefor by the Court to undergo imprisonment for a term which may extend to six months or to pay a fine which may extend to one hundred rupees for every day after such expiry on which the order has not been complied with, or both to undergo such imprisonment and to pay such fine as aforesaid.

sumption as to employment.—If a person is found in a factory
me, except during intervals for meals or rest, when work is going
e machinery is in motion, he shall until the contrary is proved,
d for the purposes of this Act and the rules made thereunder to
n at that time employed in the factory.

Evidence as to age.—(1) When any act or omission would, if a
ere under or over a certain age, be an offence punishable under this
such person is in the opinion of the Court apparently under or
age, the burden shall be on the accused to prove that such person
nder or over such age.

declaration in writing by a certifying surgeon relating to a worker
as personally examined him and believes him to be under or over
stated in such declaration shall, for the purposes of this Act and
made thereunder, be admissible as evidence of the age of that

Cognizance of offences.—(1) No prosecution under this Act shall
ted except by, or with the previous sanction in writing of, an
.

o Court inferior to that of a Presidency Magistrate or of a Magis-
the first class shall try any offence punishable under this Act.

Limitation of prosecutions. No Court shall take cognizance of
ce punishable under this Act unless complaint thereof is made
x months of the date on which the alleged commission of the
me to the knowledge of an Inspector:

ded that where the offence consists of disobeying a written order
an Inspector, complaint thereof may be made within twelve
f the date on which the offence is alleged to have been committed

CHAPTER XI

SUPPLEMENTAL.

Appeals.—(1) The manager of a factory on whom an order in
by an Inspector has been served under the provisions of this Act
ccupier of the factory may, within thirty days of the service of the
ppeal against it to the prescribed authority, and such authority
bject to rules made in this behalf by the Provincial Government,
modify or reverse the order.

ubject to rules made in this behalf by the Provincial Government
nay prescribe classes of appeals which shall not be heard with the
ssessors), the appellate authority may, or if so required in the
of appeal shall, hear the appeal with the aid of assessors, one of
all be appointed by the appellate authority and the other by such
resenting the industry concerned as may be prescribed:

ded that if no assessor is appointed by such body before the time
hearing the appeal, or if the assessor so appointed fails to attend
ing at such time, the appellate authority may, unless satisfied that
re to attend is due to sufficient cause, proceed to hear the appeal
the aid of such assessor or, if it thinks fit, without the aid of any

bject to such rules as the Provincial Government may make in this
id subject to such conditions as to partial compliance or the adop-
emporary measures as the appellate authority may in any case
to impose, the appellate authority may, if it thinks fit, suspend
r appealed against pending the decision of the appeal.

109. Display of notices.—(*1*) In addition to the notices required to displayed in any factory by or under this Act, there shall be displayed every factory a notice containing such abstracts of this Act and of the ru made thereunder as may be prescribed, in English and in a langu understood by the majority of the workers in the factory.

(*2*) All notices required by or under this Act to be displayed i factory shall be displayed at some conspicuous and convenient place at near the main entrance to the factory, and shall be maintained in a cl and legible condition.

(*3*) The Chief Inspector may, by order in writing served on the mana of any factory, require that there shall be displayed in the factory a other notice or poster relating to the health, safety or welfare of the work in the factory.

110. Service of notices. The Provincial Government may make ru prescribing the manner of the service of orders under this Act on occupi or managers of factories.

111. Returns. The Provincial Government may make rules requiri occupiers or managers of factories to submit such returns, occasional periodical, as may in its opinion be required for the purposes of this A

112. Obligations of workers.—No worker in a factory—

(*a*) shall wilfully interfere with or misuse any appliance, convenie or other thing provided in a factory for the purposes of securi the health, safety or welfare of the workers therein;

(*b*) shall wilfully and without reasonable cause do anything likely endanger himself or others;

(*c*) shall wilfully neglect to make use of any appliance or other thi provided in the factory for the purposes of securing the hea or safety of the workers therein.

113. General power to make rules.—The Provincial Government m make rules providing for any matter which, under any of the provisio of this Act, is to be or may be prescribed.

114. Publication of rules.—All rules made under this Act shall published in the official Gazette, and shall be subject to the condition previous publication; and the date to be specified under clause (*3*) section 23 of the General Clauses Act, 1897 (X of 1897), shall be not l than three months from the date on which the draft of the proposed ru was published.

115. Application of Act to Government factories.—This Act shall app to factories belonging to the Central or any Provincial Government.

116. Protection to persons acting under this Act.—No suit, prosecuti or other legal proceeding shall lie against any person for anything whi is in good faith done or intended to be done under this Act.

117. Amendment of section 3, Act XXVI of 1938.—In sub-section (of section 3 of the Employment of Children Act, 1938, for the wo "twelfth" the word "thirteenth" shall be substituted.

118. Repeal and savings.—The enactments set out in the Tab appended to this section are hereby repealed:

Provided that anything done under the said enactments which cou have been done under this Act if it had then been in force shall be deem to have been done under this Act.

TABLE

Enactments repealed.

Year.	No.	Short title.
1 ..	XXV ..	The Factories Act, 1934.
4 ..	XIV ..	The Factories (Amendment) Act, 1944.
5 ..	III ..	The Factories (Amendment) Act, 1945.
6 ..	X ..	The Factories (Amendment) Act, 1946.
7 ..	V ..	The Factories (Amendment) Act, 1947.

THE SCHEDULE.

(*See* sections 89 and 90.)

List of Notifiable Diseases.

1. Lead poisoning, including poisoning by any preparation or compound of lead.
2. Lead tetra-ethyl poisoning.
3. Phosphorus poisoning.
4. Mercury poisoning.
5. Manganese poisoning.
6. Arsenical poisoning.
7. Tetrachlorethan poisoning.
8. Poisoning by nitrous fumes.
9. Carbon bisulphide poisoning.
10. Benzene poisoning, including poisoning by any of its homologues.
11. Chrome ulceration.
12. Anthrax.
13. Silicosis.
14. Compressed air illness.
15. Halogens.
16. Pathological manifestations due to—
    (*a*) radium or other radio-active substances;
    (*b*) X-rays.
17. Primary epitheliomatous cancer of the skin.
18. The sequelae of any disease or poisoning mentioned in this Schedule.

STATEMENT OF OBJECTS AND REASONS.

The existing law relating to the regulation of labour employe factories in India is embodied in the Factories Act, 1934. Experienc the working of the Act has revealed a number of defects and weakn which hamper effective administration. Although the Act has amended in certain respects in a piece-meal fashion whenever some p cular aspect of labour safety or welfare assumed urgent importance, general framework has remained unchanged. The provisions for the sa health and welfare of workers are generally found to be inadequate unsatisfactory, and even such protection as is provided does not exten the large mass of workers employed in work-places not covered by the In view of the large and growing industrial activities in the countr radical overhauling of the Factories law is essentially called for and ca be delayed.

The proposed legislation differs materially from the existing la several respects. Some of the important features are herein menti Under the definition of "Factory" in the Act of 1934, several undertak are excluded from its scope but it is essential that important basic provi relating to health, working hours, holidays, lighting and ventila should be extended to all work-places in view of the unsatisfactory sta affairs now prevailing in unregulated factories. Further the present tinction between seasonal and perennial factories which has little just tion has been done away with. The minimum age of employment children has been raised from 12 to 13 and their working hours red from 5 to 4½, with powers to Provincial Governments to prescribe ev higher minimum age for employment in hazardous undertakings.

The present Act is very general in character and leaves too much t rule-making powers of the Provincial Governments. While some of do have rules of varying stringency, the position on the whole is not satisfactory. This defect is sought to be remedied by laying down cl in the Bill itself the minimum requirements regarding health (cleanli ventilation and temperature, dangerous dusts and fumes, lighting control of glare, etc.), safety (eye-protection, control of explosive inflammable dusts, etc.), and general welfare of workers (washing faci first aid, canteens, shelter rooms, creches, etc.) amplified, where neces by rules and regulations to be prescribed by Provincial Government.

Further the present Act leaves important and complex points to discretion of Inspectors placing heavy responsibility on them. In vie the specialised and hazardous nature of the processes employed i factories, it is too much to expect Inspectors to possess an expert knowl of all these matters. The detailed provisions contained in the Bill wi a long way in lightening their burden.

Some difficulties experienced in the administration of the Act, espec relating to hours of employment, holidays with pay, etc., have been m making the provisions more definite and clearer. The penalty clauses also been simplified. An important provision has also been made i Bill empowering Provincial Governments to require that every fa should be registered and should take a license for working to be ren at periodical intervals. Provincial Governments are further empowered to require that before a new factory is constructed or extensions are made to an existing one, the plans, designs and specifica of the proposed construction should receive their prior approval.

It is expected that the Bill when enacted into law will consider advance the condition of workers in factories.

The substantial changes made in the existing law are also indicate the Notes on Clauses. Opportunity has also been taken to rearrange existing law and to revise expressions where necessary.

NEW DELHI;
The 5th November 1947.

JAGJIVAN RAM

NOTES ON CLAUSES

(In these Notes section denotes a section of the present Act.)

CHAPTER I.—PRELIMINARY.

Clause 2.—Cf. section 2. The age limit in the case of adults and "adolescents" has been raised from 17 to 18 years. The interpretation of the item "machinery" has been widened by bringing in "prime movers" and "transmission machinery" and the interpretation of the term "factory" has been modified so as to cover those establishments which employ ten or more persons every day.

Clause 3.—Cf. section 3.

Clause 4.—Cf. section 7. The only change is in respect of reference to the number of persons employed.

Clause 5.—Cf. section 6.

Clause 6.—Cf. section 8.

Clause 7.—This is a new clause. As designs of most of the factory buildings and layout of machinery have been found unsatisfactory and the building materials used not suited to climatic conditions of the place which made working conditions unusually trying, this clause regarding approval, licensing and registration of factories is considered very necessary.

Clause 8.—Cf. section 9.

CHAPTER II. THE INSPECTING STAFF.

Clause 9.—Cf. section 10.

Clause 10.—Cf. section 11.

Clause 11.—The existing section 12 has been amplified by laying down the duties of the certifying Surgeons more clearly.

CHAPTER III. HEALTH.—CHAPTER IV.—SAFETY AND CHAPTER V.—WELFARE.

The existing Chapter III relating to "Health and Safety" has been split up into three separate chapters each dealing with Health, Safety and Welfare of Workers. The clauses in these chapters have been redrafted and amplified prescribing minimum standards required.

CHAPTER VI.—WORKING OF ADULTS.

Clause 51.—Cf. section 34. The noticeable change is that the distinction between "seasonal" and "non-seasonal" factories has been removed. Also the words "allowed to work" wherever they occur in the existing Act have been substituted by the word "employed" so as to obviate the plea that when the occupier was absent at the time, he could not have "allowed the worker to work."

Clause 52.—Cf. section 35.

Clause 53.—Cf. section 35A. A time limit has been fixed within which a compensatory holiday must be given.

Clause 54. Cf. section 36. The proviso has been omitted as it is proposed to do away with the distinction between "seasonal" and "non-seasonal" factories.

Clause 55.—Cf. section 37. As hours of daily work have been reduced to nine, the period of work before rests has been reduced to five and the Provincial Governments have been empowered to prescribe higher limit of rest up to one hour in cases where they consider a longer rest interval necessary. The existing section 37 has been redrafted to provide for this.

Clause 56.—*Cf.* section 38.

Clause 57.—*Cf.* section 46. This has been redrafted in order to make it clear that a continuous rest period of twenty-four hours will be counted as a day's holiday.

Clause 58.—*Cf.* section 49.

Clause 59.—*Cf.* section 47. In this clause also the distinction between "seasonal" and "non-seasonal" factories has been removed.

Clause 60.—*Cf.* section 48.

Clause 61.—Existing sections 39 and 40 have been combined and redrafted with verbal changes.

Clause 62.—Existing section 41 has been redrafted with verbal changes. It has been made obligatory on the part of the Managers to show the registers to the Inspector at all times during working hours.

Clause 63.—*Cf.* section 42.

Clause 64.—*Cf.* section 43. In para. (*b*) of sub-clause (*2*) the workers attending to power-plant or transmission machinery have also been included for purposes of exemption.

Clause 65.—*Cf.* section 44.

Clause 66.—*Cf.* section 45. The second proviso in sub-section (*1*) of existing section 45 has been omitted to conform to the deletion of the distinction between "seasonal" and "non-seasonal" factories.

Clause 67.—This is a new clause enabling the Provincial Governments to make rules to supplement Chapter VI.

CHAPTER VII.—EMPLOYMENT OF YOUNG PERSONS.

Clause 68.—*Cf.* section 50. The minimum age has been raised to thirteen.

Clause 69.—*Cf.* section 51.

Clause 70.—The existing section 52 has been redrafted and the provisions regarding the examination and re-examination of young persons and grant of certificates of fitness to them tightened. To avoid unnecessary work on the certifying surgeon it has also been provided that he will examine only those young persons who produce a certificate from the Manager that he will be employed in his factory if found fit.

Clause 71.—*Cf.* section 53

Clause 72.—As the hours of work of adults have been reduced to nine, the half-time period of a child has also been reduced to 4½ hours. The existing section 54 has been redrafted to provide for this change. A new sub-clause has also been added to prevent overlapping shifts in the case of children.

Clause 73.—*Cf.* section 55. Sub-section (*1*) of the existing section has been omitted as it is covered by sub-clause (*8*) of clause 61.

Clause 74.—*Cf.* section 56. As in the case of clause 62, it has been made obligatory on the part of the Managers to make available the registers to the Inspector at all times during working hours.

Clause 75.—*Cf.* section 57.

Clause 76.—*Cf.* section 58.

Clause 77.—*Cf.* section 59.

Clause 78.—*Cf.* section 59C.

CHAPTER VIII.—HOLIDAYS WITH PAY.

Clause 79.—The reference to "Seasonal factory" in the existing section 49A has been omitted and that section has been redrafted to exclude persons working in a manufacturing process which is ordinarily carried on for less than 180 days in a year.

Clause 80.—The existing section 49B has been completely recast and expanded to remove the practical difficulties which were experienced in its working. It provides for the grant of holidays in two spells to cover the needs of workers. It also provides for the grant of proportionate holidays to workers whose services have been terminated but who have completed six months' continuous service. Provision has also been made for condoning unauthorised absence up to 20 days.

Clause 81.—*Cf.* section 49C.

Clause 82.—*Cf.* section 49D. Advance payment of half the pay has been limited to holidays for not less than six days.

Clause 83.—*Cf.* section 49E.

Clause 84.—*Cf.* section 49F.

Clause 85.—*Cf.* section 49G. The question whether the factory leave rules are substantially similar to those provided for in the Bill is left to be decided by the Provincial Governments in future.

CHAPTER IX—SPECIAL PROVISIONS.

Clause 86.—This is partly a replacement of the existing sections 59A and 59B. The basic provisions regarding health, safety and welfare have been made applicable to all work places irrespective of the number of workers employed and excludes premises where processes are carried on by the occupier with the aid of his family only.

Clause 87.—The heading of the existing section 33(4) has been changed from "Hazardous operations" to "Dangerous operations" and a new sub-clause enabling the Provincial Governments to make rules prohibiting, restricting or controlling the use of any specified materials or processes in connection with the dangerous operations has been added.

Clause 88.—*Cf.* section 30. For the words "forty-eight hours" in the existing section the words "seventy-two hours" have been substituted.

Clause 89.—This is a new clause which has been inserted with a view to control industrial diseases.

Clause 90.—This is a new clause. It empowers the Provincial Governments to require a formal investigation in the case of serious accidents

Clause 91.—This is a new clause intended to facilitate investigation of cases involving contravention of the safety provisions.

CHAPTER X.—PENALTIES AND PROCEDURE.

Clause 92.—The existing section 60 has been redrafted with a view to make the breach of any section or of any rule or order made under the Act an offence which can be punished with imprisonment or fine or with both

Clause 93.—This is a new clause defining the liability of the owner of premises in certain circumstances.

Clause 94.—*Cf.* section 61. The limit of fine has been raised and provision has been made for awarding imprisonment for a period of one year.

Clause 95.—This is a new clause intended to cover offences involving several persons.

Clause 96.—*Cf.* section 63.

Clause 97. - This is a new clause prescribing penalty for disclosing the results of analysis made under clause 91.

Clause 98. This is a new clause prescribing penalty for offences committed by workers.

Clause 99.—*Cf.* section 67. Punishment includes imprisonment also.

Clause 100.—*Cf.* section 68. The words "on guardian" have been omitted from the heading.

Clause 101.—*Cf.* section 70. The heading has been slightly changed and a new sub-clause (*3*) added to cover the case of buildings owned by companies, etc.

Clause 102. The existing section 71 has been recast and the provisions made more definite.

Clause 103.— This is a new clause which empowers the Courts to pass orders on the occupiers or managers of factories to take such measures for remedying the matters in respect of which offence was committed.

Clause 104.—*Cf.* section 72.

Clause 105.—*Cf.* section 73.

Clause 106.—*Cf.* section 74.

Clause 107. -*Cf.* section 75. In view of the great distances in India and the possible infrequency in the visits of Inspectors, the six months period has been made to date from the time the offence came to the knowledge of the Inspector instead of the date of offence.

CHAPTER XI. SUPPLEMENTAL.

Clause 108.—*Cf.* section 31.

Clause 109.—The existing section 76 has been recast and a new sub-clause (*3*) added which would enable the display of any notice or poster relating to health, safety and welfare of workers in a factory.

Clause 110.—This is a new clause enabling the Provincial Governments to prescribe the manner of service of orders on occupiers or managers of factories.

Clause 111.—*Cf.* section 77.

Clause 112.— This is a new clause defining the obligations of workers.

Clause 113.—This is a new clause giving general powers to the Provincial Governments to frame rules.

Clause 114.—*Cf.* section 79.

Clause 115.—*Cf.* section 80

Clause 116. -*Cf.* section 81.

Clause 117.— This is a new clause which seeks to amend sub-section (*3*) of section 3 of the Employment of Children Act, 1938, by which the age of employment of children is raised from 12 to 13.

Clause 118. This is a new clause.

The Schedule.- This has been added with reference to clauses 80 and 90.

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Extraordinary

Published by Authority

FRIDAY, JANUARY 9, 1948

ART I—Orders and Notifications by the Governor of 'est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF COMMERCE, LABOUR AND INDUSTRIES.

Commerce.

NOTIFICATION.

No. 75Com. -6th January 1948.—In exercise of he power conferred by sub-section (*1*) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clauses (*d*), (*e*), (*f*), (*h*), (*i*), (*g*) of sub-section (*2*) of that notification and with the notification of the Government of India in the Department of Industries and Supplies No. 302-PA(73)/46, dated th December 1946, the Governor is pleased to make the following amendment in the Bengal

Paper (Distribution, Licensing and Returns) Order, 1947, namely:—

Amendment.

For sub-paragraph (2) of paragraph 1 of the said order, the following shall be substituted and shall be deemed always to have been substituted namely:—

(2) It shall come into force on the 1st day of April 1948.

By order of the Governor,
D. S. P. MUKHERJEE,
Dy. Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Govt. Printing, Bengal, at West Bengal Govt. Press, Alipore, on the 9th January, 1

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MONDAY, JANUARY 12, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

NOTIFICATIONS.

No. L.S.-G.-566/47/1M.—10th January 1948.—
is hereby notified under section 50 of the Bengal
lunicipal Act 1932 (Bengal Act XV of 1932), that
ie following gentlemen have been duly elected as
ommissioners of the Berhampore Municipality in
ie district of Murshidabad at the general election
eld on the 11th March 1947:—

Ward No. I.

Sri Ram Chandra Saha.
Sri Mongalmoy Maitra, B.L.
Sri Bejoy Kumar Gupta, B.L.
Maulvi Mohammad Shamsuzzoha (Reserved
eat).

Ward No. II.

Sri Dinabandhu Chatterjee, M.Sc.

Ward No. III.

Sri Monoranjan Sen.
Rai Anil Kumar Chatterjee Bahadur, M.B.E.
ri Rabindranath Roy, B.Sc., M.B.
ri Bireswar Roy.
ri Chhatrapati Roy, B.A.
Maulvi Syed Ahmed (Reserved seat).

Ward No. IV.

ri Anandalal Mukherjee.
ri Balai Chandra Dutta.
ri Sisir Kumar Mukherjee, B.Sc., M.B.
Maulvi Mohammad Amiruddin (Reserved seat).

Ward No. V.

ri Chandi Charan Banerjee.
ri Abi Bhusan Mukherjee, M.A., B.L.
ri Bimal Krishna Roy Chowdhury.

Ward No. VI.

Sri Anil Chandra De.

No. L.S.-G.-333/47/1M.—10th January 1948.—
is hereby notified under section 50 of the Bengal
unicipal Act, 1932 (Bengal Act XV of 1932), that
following gentlemen have been duly elected as
mmissioners of the Baranagar Municipality in
district of the 24-Parganas at the general elec-
held on the 22nd February 1947:—

Ward No. I.

Sri Jahar Lal Bandopadhyay.
Sri Sachish Chandra Roy Chowdhury, B.Sc.

Ward No. II.

Muhammad Idris (Reserved seat).
Dr. Amarendra Nath Mukhopadhyaya.
Dr. Satya Gopal Chatterjee.
Sri Tincory Moitra.

Ward No. III.

Seikh Mohammad Rosid (Reserved seat).
Sri Dhirendra Nath Chatterjee.
Dr. Kanai Lal Pal, L.M.F.

Ward No. IV.

Sri Dhirendra Nath Neogi.
Sri Mohan Lal Ghosh.

No. L.S.-G.-203/47/1M.—10th January 1948.—It is hereby notified under section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), that the following gentlemen have been duly elected as Commissioners of the Tamluk Municipality in the district of Midnapore:

Rai Sasadhar Das Bahadur.
Sri Gouri Shankar Das.
Sri Surendra Nath Pattanayek.
Sri Akshoy Kumar Misra.
Sri Probodh Kumar Misra.
Sri Bankim Chandra Bhaumick.
Sri Panchanan Adhikary.
Sri Satish Chandra Bhowmick.
Maulvi Noor Ali Shah (Reserved seat).

No. L.S.-G.-158/47/1M.—10th January 1948.—It is hereby notified under section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), that the following gentlemen have been duly elected as Commissioners of the Barrackpore Municipality in the district of the 24-Parganas:—

Ward No. I.

Sri Gopal Chandra Sadhukhan.

Ward No. II.

Maulvi Syed Mucksood Ali (Reserved seat).

Ward No. III.

Sri Panchu Gopal Sadhukhan.

Ward No. IV.

Sri Sudin Chandra Bandyopadhyay.

Ward No. V.

Sri Hemanta Kumar Mukhopadhyay.

Ward No. VI.

Sri Gopal Chandra Sarkar.

Ward No. VII.

Sri Panchu Gopal Bhattacharyya.

Ward No. VIII.

Maulvi Quazi Abu Mohammad.

Ward No. IX.

Maulvi Lutfar Rahman (Reserved seat).

No. L.S.-G-498/47/1M.—10th January 1948.—It is hereby notified under section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), that the following gentlemen have been duly elected Commissioners of the Rajpur Municipality in the district of the 24-Parganas at the general election held on the 8th March 1947:—

Special Ward.

Mr. Ershad Ali Mondal.

Ward No. I.

Sri Satyendra Nath Sarkar, B.L.
Sri Kishori Mohan Chatterjee.
Dr. Shibdas Bhattacharyya, M.B., D.T.M.
Sri Bejon Kumar Chakraburtty.
Sri Sadhan Chandra Das.

Ward No. II.

Sri Pramatha Nath Ghosh.
Sri Sachindra Nath Sarkar.

Ward No. III.

Sri Tapanendu Prokash Basu.
Sri Hrishikesh Bhattacharjee.

Ward No. IV.

Sri Santosh Kumar Bhattacharjee.
Sri Dilip Kumar Bhattacharjee.

Ward No. V.

Sri Anath Kumar Chatterjee.
Sri Biswanath Ghosh.

No. L.S.-G.-825/46/1M.—10th January 1948.—It is hereby notified under section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), that the following gentlemen have been duly elected as Commissioners of the Barasat Municipality in the district of the 24-Parganas at the general election held on the 30th March 1946:—

Ward No. I.

Dr. Haripada Chakrabarti.
Sri Gobordhon Banerjee.

Ward No. II.

Sri Anil Krishna Ghosal.
Sri Ranjit Kumar Ghosh.

Ward No. III.

Maulvi Abdul Mozid (Reserved seat).
Kazi Mohabbur Rahman (Reserved seat).
Maulvi Habibar Rahman (Reserved seat).
Quazi Mohammed Hossain (Reserved seat).

Ward No. IV.

Sri Sisir Kumar Basu.
Sri Provat Kumar Chaudhuri.

Ward No. V.

Sri Rash Behari Mukherjee.
Sri Akshoy Kumar Chandra.

Reserved seats for Muslims.

Special Ward Nos. I and II combined.

Maulvi Soley Mondal.

Special Ward Nos. IV and V combined.

Maulvi Elahi Baksh Mollah.

No. L.S.-G.-103/47/1M.—10th January 1948.—It is hereby notified under section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), that the following gentlemen have been duly elected as Commissioners of the Kandi Municipality in the district of Murshidabad at the general election held on the 11th November 1946:—

Ward No. I.

Sri Birendra Kumar Chakrabutty.
Sri Purnendu Narayan Sinha.

Ward No. II.

Sri Bijoyendu Narayan Roy.
Sri Jagannath Prasad Trivedi.

Ward No. III.

Sri Nabendu Narain Roy Choudhury.

Ward No. IV.

Sri Rama Nath Mukherjee.

Ward No. V.

Sri Sripati Sinha.

Special Ward Nos. I—V.

Hatoo Shaikh.

No. L.S.-G.-650/47/1M.—10th January 1948.—It is hereby notified under section 50 of the Beng Municipal Act, 1932 (Bengal Act XV of 1932 that the following gentlemen have been du elected as Commissioners of the Champdany Mun cipality in the district of Hooghly at the gener election held on the 30th March 1947:—

Ward No. I.

Sri Rajendra Nath Neogi.

Ward No. II.

Sri Bimal Chandra Chattopadhaya.
Sri Satya Narayan Singh.
Maulvi Abdul Wahed (Reserved seat).

Ward No. III.

Sri Anath Bandhab Mookerjee.
Sri Kedar Nath Singh.

Ward No. IV.

Sri Bibhuti Bhusan Chatterjee.

Special Ward Nos. III and IV combined.

Maulvi Md. Ishahaque.

No. L.S.-G. 768/47/1M.—10th January 1948.—It is hereby notified under section 50 of the Beng Municipal Act, 1932 (Bengal Act XV of 193 that the following gentlemen have been duly ele ed as Commissioners of the Dhulian Municipali in the district of Murshidabad:—

Ward No. I.

Maulvi Abdul Jalil Biswas.
Sri Muralidhar Gupta.

Ward No. II.

Sri Bibhuti Bhusan Das.
Sri Dhirendra Nath Ray.

Ward No. III.

Sri Sachindra Nath Roy.

Ward No. IV.

Maulvi Md. Matabbar Hossain.
Dr. Sabiruddin Ahmed.
Malvi Ramjan Ali Saikh.

No. L.S.-G.-1717/47/1B.—10th January 19 —It is hereby notified that under section 36D the Bengal Local Self-Government Act, 18 (Bengal Act III of 1885), the following gentlem have been elected to be members of the Midnap district board:—

I. Garhbeta.

Sri Siramat Santal (Reserved seat).
Sri Ram Sundar Singh.

II. Keshpur-*cum*-Salboni.

Sri Upendra Dolai (Reserved seat).
Sri Panchkori Chowdhury.

III. Midnapore-*cum*-Khargpur Town.

Maulvi Sk. Fakir Mahammad (Reserved seat)
Sri Narendra Nath Das.

IV. Debra.

Sri Mohini Pati.

V. Naraingarh-*cum*-Sabong.

Sri Jogendra Nath Mondal (Reserved seat).
Sri Gopal Chandra Maity.

VI. Pingla-*cum*-Khargpur East.

Sri Achyut Charan Maity.

VII. Keshiary-*cum*-Khargpur West.

Sri Mrittunjoy Jana.

VIII. Dantan West.

Sri Prasanna Kumar Giri.

IX. Mohanpur-*cum*-Dantan East.

Sri Nagendra Maity.

Gopiballavpur-*cum*-Sankrail-*cum*-Nayagram.

Sri Pitambar Besra (Reserved seat).
Sri Satamanyu Pati.

XI. Jhargram-*cum*-Jamboni.

Sri Chandra Sekhar Sheet (Reserved seat).
Sri Rajani Hansda (Reserved seat).
Sri Mohendra Nath Mahata.

XII. Binpur.

Sri Nagendra Nath Patra.

XIII. Ghatal.

Sri Nityananda Roy.

XIV. Daspur.

Sri Manmatha Kumar Mukhopadhya *alias* hakrabarty.

XV. Chandrakona.

Sri Ashutosh Sinha.

XVI. Panskura.

Maulvi Sk. Jahiruddin (Reserved seat).
Sri Radha Gobinda Chakrabarty.

XVII. Nandigram.

Maulvi Asgar Ali (Reserved seat).
i Satish Sau.

XVIII. Mahisadal.

i Abinash Chandra Roul (Reserved seat).
i Nilmoni Hazra.

XIX. Moyna.

i Ananga Mohan Das.

XX. Sutahata.

i Hiralal Maity.

XXI. Tamluk (North).

i Gunadhar Bhowmik.

XXII. Tamluk (South).

ri Sreedhar Chandra Samanta.

XXIII. Khejri-*cum*-Bhagabanpur.

ri Amrit Lal Das (Reserved seat).
ri Bhima Charan Patra.

XXIV. Contai (East).

i Bhuteswar Paria.

XXV. Contai (West).

ri Sudhir Chandra Das.

XXVI. Egra (East).

ri Bipin Behari Adhikary.

XXVII. Egra (West).

ri Rakhal Chandra Maity.

XXVIII. Ramnagar (East).

i Surendra Nath Mongal.

XXIX. Ramnagar (West).

i Trailokhya Nath Prodhan.

XXX. Patashpur (East).

i Sashi Shekhar Mondal.

XXXI. Patashpur (West).

i Sasanka Sekhar Maity.

No. L. S.-G.-1174/47/1B.—10th January 1948.—It is hereby notified that under section 36D of the Bengal Local Self-Government Act, 1885 (Bengal Act III of 1885), the following gentlemen have been elected to be members of the Murshidabad district board:—

I. Nabagram-*cum*-Sagardighi.

Surendra Narayan Sinha (Rai Bahadur) (Reserved seat).
Sri Bidhu Bhusan Bagchi.

II. Khargram-*cum*-Barwan.

Sri Bhupendra Narayan Pramanik (Reserved seat).
Sri Sharat Chandra Trivedi.

III. Kandi-*cum*-Berhampore.

Sri Haray Haray Sinha Choudhury (Reserved seat).
Maulvi Sk. Chandra Mondal.

IV. Bharatpur.

Sri Bijoyendu Narayan Roy (Reserved seat).
Maulvi Badrul Alam Baul Fazal.

V. Raghunathganj.

Sri Surendra Nath Choubey (Reserved seat).
Maulvi Jahiruddin Biswas.

VI. Samserganj-*cum*-Farakka.

Sri Gobinda Charan Das (Reserved seat).
Maulvi Md. Mortuza Reza Choudhury, M.L.A.

VII. Suti.

Sri Bijoy Bhusan Sarkar (Reserved seat).
Maulvi Luttal Haque.

VIII. Beldanga.

Sri Khitish Chandra Ghose (Reserved seat).
Hazi Sk. Abdul Hamid.

IX. Lalgola-*cum*-Bhagawangola.

Sri Bandrenath Panre *alias* Ranendranath Panre (Reserved seat).
Maulvi Nakimuddin Sirkar.

X. Jallangi.

Maulvi Niamatullah Mondal.

XI. Noada.

Sri Mihir Kumar Mukherjee.

XII. Haribarpara.

Maulvi Md. Yakub Ali Biswas.

XIII. Domkal.

Maulvi Afazuddin Ahmed.

XIV. Raninagar.

Maulvi Md. Khairullah Sirkar, B.A.

XV. Murshidabad-*cum*-Jiaganj.

Sahebzada Kazem Ali Meerza, M.L.A.

No. L. S.-G.-528/47/1M.—10th January 1948.—It is hereby notified under section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), that the following gentlemen have been duly elected as Commissioners of the Baidyabati Municipality in the district of Hooghly at the general election held on the 2nd March 1947:—

Ward No. I.

Sri Kali Prosanna Roy Choudhury.
Dr. Hem Chandra Bhattacharjya.

Ward No. II.

Sri Surendra Nath Ghose.
Sri Hridoy Krishna Choudhury.
Sri Satya Charan Pain.

Ward No. III.

Sri Sasthi Charan Gupta.
Sri Bejoy Krishna Dey.

Ward No. IV.

Dr. Promotha Nath Bose.
Sri Krishna Chandra Chatterjee.

No. L. S.-G.-692/46/1M.—10th January 1948.—It is hereby notified under section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), that the following gentlemen have been duly elected as Commissioners of the Panihati Municipality in the district of the 24-Parganas at the general election held on the 23rd March 1946:—

Ward No. I.
Sri Gita Nath Ganguly.
Ward No. II.
Sri Mrinal Mohan Mittra.
Ward No. III.
Sri Sisir Kumar Mittra.
Ward No. IV.
Sri Sambhu Nath Banerjee.
Ward No. V.
Sri Nityananda Das.
Ward No. VI.
Sri Durga Prosad Dutta.
Ward No. VII.
Sri Ashutosh Banerjee.
Special Ward.
Maulvi Sk. Nasir Ahmed.

No. L.S.-G.-806/46/1M.—10th January 1948.—It is hereby notified under section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), that the following gentlemen have been duly elected as Commissioners of the Titagarh Municipality in the district of the 24-Parganas at the general election held on the 31st March 1946:—

Dr. Haridas Banerjee.
Dr. Narain Singh.
Sri Kumar Singh.
Sri Kali Charan Shukla.
Sri Raghunandan Prasad Gupta.
Sri Debi Lall Shah.
Maulvi Abdul Latiff (Reserved seat).
Sk. Alfoo Sirder (Reserved seat).

No. L.S.-G.-854/46/1M.—10th January 1948.—It is hereby notified that under section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), the following gentlemen have been duly elected as Commissioners of the Naihati Municipality in the district of the 24-Parganas at the general election held on the 23rd March 1946:—

Ward No. I.
Sri Bimal Krishna Mitra, B.A.
Sri Durga Prosad Agarwala.
Ward No. II.
Sri Bibhuti Bhusan Bhattacharyya, B.T.
Sri Profulla Kumar Chatterjee.
Ward No. III.
Maulvi Abdul Sattar (Reserved seat).
Sri Binay Krishna Mitra.
Ward No. IV.
Sri Kali Charan De.
Sri Suresh Chandra Paul, B.L.
Ward No. V.
Maulvi A. N. Shafi (Reserved seat).
Sri Jannhabi Prosad Banerjee.
Ward No. VI.
Sri Dhirendra Nath Sen.
Sri Girija Bhusan Chatterjee.

No. L.S.-G.-488/47/1B.—10th January 1948.—It is hereby notified that under section 36D of the Bengal Local Self-Government Act, 1885 (Bengal Act III of 1885), the following gentlemen have been elected to be members of the Howrah district board:—

I. Panchla-*cum*-Sankrail.
Maulvi Md. Hatem Purkait (Reserved seat).
Sri Durga Pado Chattopadhaya.
II. Sankrail-*cum*-Domjur.
Maulvi Md. Hossain Naskar (Reserved seat).
Sri Ardhendu Bhusan Bhattacherji.
III. Domjur.
Sri Ashutosh Bhattacherjee.
IV. Jagatballavpur.
Sri Amrita Lal Hazra.
V. Jogacha-*cum*-Bally.
Sri Manilal Basu.
VI. Uluberia.
Maulvi Golam Hossain Khan (Reserved seat).
Sri Nemai Charan Ghosh.
VII. Bagnan.
Maulvi Soleman (Reserved seat).
Sri Gopi Krishna Chakraburty.
VIII. Shyampur (East).
Sri Joy Krishna Samanta.
IX. Shyampur (West).
Sri Dhirendra Nath Das.
X. Amta (East).
Sri Bejoy Ratan Dey Baksi.
XI. Amta (West).
Sri Monoj Mohan Roy.
XII. Amta (South).
Sri Monmotho Nath Roy.
XIII. Amta (North).
Sri Hari Pada Bhattacherjee.
XIV. Bauria-*cum*-Uluberia.
Sri Indu Bhusan Das.

No. L.S.-G.-64/47/1B.—10th January 1948.—It is hereby notified that under section 36D of the Bengal Local Self-Government Act, 1885 (Bengal Act III of 1885), the following gentlemen have been elected to be members of the Bankura district board:—

I. Bankura.
Sri Manindrabhusan Sinha.
II. Bankura-*cum*-Chhatna.
Sri Jagat Bandhu Dutta.
III. Chhatna.
Sri Bhaba Taran Kundu.
IV. Onda.
Sri Dwijapada Chakrabarty.
V. Taldangra.
Sri Mrinal Kanta Mukhopadhyay.
VI. Gangajalghati.
Sri Dhirendra Nath Chattopadhyay.
VII. Barjora.
Sri Hem Chandra Chattopadhyay.
VIII. Mejhia-*cum*-Barjora.
Sri Pramatha Nath Das.
IX. Saltora.
Sri Kamala Kanta Hemram.
X. Khatra.
Sri Motilal Roy.
XI. Indpur.
Sri Gopal Chandra Dandapat.
XII. Ranibundh.
Sri Haradhan Majhi.
XIII. Simlapal.
Sri Aditya Prasad Sanmigrihi.
XIV. Raipur.
Sri Prabodh Chandra Basu.
XV. Joypur.
Sri Narendra Nath Basu.
XVI. Kotulpur.
Sri Mohini Mohan Roy.
XVII. Sonamukhi-*cum*-Patrasayer.
Sri Krishna Mohan Chandra.
XVIII. Vishnupur-*cum*-Patrasayer.
Sri Bhabatarau Chakravarty.
XIX. Patrasayer-*cum*-Indas.
Maulvi Mohammad Illias Chowdhury (Reserve seat).
Sri Sushil Chandra Palit.

By order of the Governo
S. K. GUPTA.
Secy. to the Govt. of West Benga

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 12th January 1948.

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Extraordinary

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MONDAY, JANUARY 12, 1948.

ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

NOTIFICATION.

No. L.S.-G.-1M/4/48.—12th January 1948.—It is hereby notified under section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), that the following gentlemen have been duly elected as Commissioners of the South Dum Dum Municipality, in the district of the 24-Parganas, at the general election held on the 29th March 1947 :—

Ward No. I.

Mr. Mohammed Mukhtar Hussain (Reserved seat).

Dr. Kalyan Kumar Sen Gupta.

Ward No. II.

Mr. Shaikh Alizaman (Reserved seat).
Sri Profulla Kumar Guha.

Ward No. III.

Sri Purna Chandra Ghosh.
Sri Sisir Comar Ghose.
Dr. Sudhir Chandra Sur.

By order of the Governor

S. K. GUPTA,

Secy. to the Govt. of West Beng

Printed and published by the Superintendent, Govt. Ptg., West B
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RT I—Orders and Notifications by the Governor of t Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
FINANCE DEPARTMENT.

Audit.

NOTIFICATION.

o. 81F.—13th January 1948.—In exercise of power conferred by the Explanation to section of the Negotiable Instruments Act, 1881 (XXVI 1881), read with Government of India, Home partment, notification No. 228/37-Public, d 1st April 1938, the Governor is pleased to lare Friday, the 23rd January 1948, to be a olic Holiday in West Bengal in honour of the thday of Netaji Subhas Chandra Bose.

By order of the Governor,
S. K. MUKHARJI,
Secy. to the Govt. of West Bengal.

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Public Health.

NOTIFICATIONS.

No. P.H.1M-35/47.—13th January 1948.—hereas the Governor is satisfied that the districts 24-Parganas, Hooghly, Howrah and Midnapore threatened with an outbreak of cholera:

Now, therefore, in exercise of the power conred by section 2 of the Epidemic Diseases Act, 7 (Act III of 1897), the Governor is pleased to scribe the following temporary regulations for prevention and control of cholera, and for the dical inspection, isolation, observation and veillance of persons suffering from, or suspected being infected with, cholera in the said districts a period of one month.

nporary regulations for the prevention and control of cholera.

. In these regulations, unless there is anyng repugnant in the subject or context:—

a) "District Health Officer" means the Health icer of the district appointed by the District ard under sub-section (*3*) of section 91 of the gal Local Self-Government Act of 1885 (Bengal t III of 1885);

b) "Sanitary Inspector" means a Sanitary pector appointed by the District Board under -section (*3*) of section 91 of the Bengal Local f-Government Act of 1885;

) "Board" means a District Board constituted er the Bengal Local Self-Government Act of ;

) "Union Board" means a Union Board tituted under the Bengal Village Self-Governt Act, 1919 (Bengal Act V of 1919);

) "suspected cholera" means any disease mpanied by vomiting and diarrhœa;

) "patient" means a person suffering from or ected to be suffering from cholera;

) "medical practitioner" means any person tising the medical profession.

Whenever any land is held jointly by two nore persons, whether as owners or occupiers hat land, such persons shall be held jointly and rally liable for carrying out any measure red in a notice under these regulations, and names of any one or more of such joint-holders be entered upon such notice at the discretion ne District Health Officer and the District lth Officer shall not be bound to enter the es of all the joint-holders in the notice.

Notices.

3. If in any case the District Health Officer considers that the issue of a notice under these regulations is likely to lead to such an amount of delay as might facilitate the spread of cholera he may forthwith take such step as he may think fit for carrying out the work, and shall thereafter, as soon as possible, issue a notice on the person concerned stating the reason why such work has been carried out.

4. If any measure which the District Health Officer has, by a notice issued under these regulations, required to be carried out, be not carried out to his satisfaction within the time stated in the notice, the District Health Officer shall be entitled to carry out the measure.

Costs and compensation.

5. (*1*) All expenses incurred in carrying out any work in pursuance of an order issued under these regulations shall be paid by the Board except in any case where the order directs a person to carry out any work in relation to property in his possession, in which case the expenses shall be paid by that person:

Provided that where the conditions, which led the District Health Officer to pass such an order, are not attributable to any act or default of the persons in possession of the property, the Board may pay to such person the whole or a part of the expenses incurred by him in carrying out the order.

(*2*) The Board may recover all expenses incurred by the District Health Officer in carrying out the measure under regulation 4 from the person or persons to whom the notice was originally issued.

6. The Board shall pay adequate compensation to any person who has sustained substantial loss or damage by reason of anything done under these regulations:

Provided that no person shall receive any compensation for anything done or suffered under these regulations, if he has failed to carry out an order issued under these regulations within the time specified in the order and to the satisfaction of the District Health Officer.

Location of disease.

7. When a case of cholera or suspected cholera occurs in a house, the nearest male relative in attendance upon the patient, or in the absence of any such relative the occupier of the house, or if the occupier be the patient, some male inmate of the house shall, within twenty-four hours of the onset of the disease, give information regarding the occurrence of such case either personally or

in writing or by means of the chaukidar or other village watchman to the nearest Sanitary Inspector.

8. (*1*) If information has not already been given under regulation 7, the medical practitioner called in to attend upon any case of cholera shall forthwith give notice of the case by special messenger to the nearest Sanitary Inspector or rural medical officer and by post to the District Health Officer and the cost of such messenger in each case shall be defrayed by the Board.

(*2*) The doctor-in-charge of a hospital or a dispensary within the district shall forthwith give notice of any case of cholera brought to such hospital or dispensary for treatment to the nearest Sanitary Inspector by a special messenger and to the District Health Officer by post and the cost of such messenger in each case shall be defrayed by the Board.

9. Presidents of Union Boards in Union Board areas and thana officers in non-union board areas shall supply to the District Health Officer such periodical returns of cases of cholera as he may from time to time call upon them to furnish.

10. The District Health Officer or a Sanitary Inspector may examine any person who is, or suspected to be, suffering from cholera or who, in his opinion, may be infected with or likely to spread cholera.

Isolation of patients and evacuation of houses, etc.

11. When the District Health Officer or a Sanitary Inspector considers that the isolation of any patient is a precaution necessary for the protection of the neighbouring population, he shall order the patient to observe isolation and may order the nearest relative in attendance on the patient, or the occupier of the house in which the patient is staying, to arrange for the isolation of the patient in such a manner and for such a time as may be approved by the District Health Officer, or the Sanitary Inspector.

He shall not direct the patient to be removed from the house unless it is in his opinion impossible to make proper arrangements for his isolation therein.

12. The District Health Officer or a Sanitary Inspector may order that any person, who has in his opinion been exposed to infection from cholera, shall take such drugs in such quantities as may be specified by the District Health Officer, or Sanitary Inspector or shall submit himself to anti-cholera inoculation within a time to be specified in the order.

13. No person shall enter any place wherein a patient is isolated under regulation 11 without the permission of the District Health Officer or a Sanitary Inspector.

14. The Board shall provide free of charge suitable places, with necessary attendants, medicine, diet and other necessaries for persons isolated under regulation 11: Provided that a private individual may provide places certified by the District Health Officer as being fit for the purpose of such isolation.

15. No person, who is or has been suffering from cholera, shall leave the place where he has been staying until he has received from the District Health Officer or a Sanitary Inspector written permission to do so.

16. The District Health Officer or a Sanitary Inspector may require any person to allow to be carried out by such agency and within such time as may be specified in the order, such measures for the disinfection or evacuation of any premises in the occupation of such person or for the disinfection or destruction of any of his personal effects, as the said officer or inspector may consider necessary.

16A. The District Health Officer or a Sanitary Inspector authorised by the District Health Officer in writing in that behalf may during the prevalence of any outbreak of cholera order that any bazar, shop or other public place shall remain closed for such time as may appear to him to be necessary and may forbid the holding of any fair, *mela* or other gathering to which people from several villages commonly or periodically resort.

17. The District Health Officer or a Sanitary Inspector may direct the owner or occupier of any premises to cause to be inoculated with anti-cholera vaccine within a time to be specified in the order any person residing on such premises and under the control of such owner or occupier if the District Health Officer or Sanitary Inspector is of opinion that such person has been exposed to infection from cholera.

18. The District Health Officer or a Sanitary Inspector may forbid any person who has been a patient or who has, to his knowledge, been in contact with a patient, to act as vendor of any article for such period as may be specified in the order.

18A. No person shall carry or permit to be carried in a public conveyance a patient except in the case where a patient is carried with proper precautions to a hospital.

19. No person shall sell any article which has been in contact with a patient until it has been disinfected to the satisfaction of the District Health Officer or a Sanitary Inspector.

19A. No person shall expose in any street shop, bazar or any public place any clothing, bedding or other article which has been in contact with a patient or shall cause or suffer such articles to be carried in any public conveyance but nothing in this regulation shall apply to a person who transmits with proper precautions against spreading the disease any such article for the purpose of having the same disinfected.

19B. No person shall carry or permit to be carried in a public conveyance the dead body of any person who has died of cholera without the previous written permission of the District Health Officer or Sanitary Inspector and without taking proper precautions against spreading the said disease.

Water-supply.

20. (*1*) When the District Health Officer or a Sanitary Inspector is of opinion that the water in any well, tank, pool or other possible source of water-supply is contaminated or is likely to be contaminated, he may at once take such steps as he deems necessary to close such well, tank, pool or other source of water-supply, or may require the owner or occupier of land upon which such well, tank, pool or source of water-supply is situated to take steps to close the same to the satisfaction of the District Health Officer or the Sanitary Inspector as the case may be, within such time as may be specified in the order.

(*2*) The District Health Officer or a Sanitary Inspector may require such owner or occupier to keep closed during such a period as shall be specified in the order any well, tank, pool or other sources of water-supply closed under paragraph (*1*) of this regulation.

Explanation.—In this regulation, "to close" includes the placing of chaukidars to prevent access to the well, tank, pool or other source of water-supply.

21. When the District Health Officer or a Sanitary Inspector is of opinion that the water in any well, tank, pool or source of water-supply is contaminated he may disinfect it or order its owner or occupier

fect it with such disinfectants as he may fy in such quantities and at such times as he think fit.

The District Health Officer or a Sanitary ector may prohibit persons from entering into ing for drinking, bathing, or any other pur- during such period as may be specified in rder, the water in any well, tank, pool or possible source of water-supply, which, in pinion, is contaminated or likely to be con- nated.

The District Health Officer or a Sanitary ector may, by an order published at such s as he may think fit, set apart any well, part of a river, stream or channel not being te property, or being private property with consent of the owner, for the supply of water drinking or culinary purposes and may pro- therein or within a distance therefrom to be d in the order all bathing, washing of clothes imals, or other acts calculated to pollute the r; and may similarly set apart any well, tank, of a river, stream or channel for the purpose thing or for the purpose of washing animals othes or for any other purpose connected with health and cleanliness of the people using water-supply.

The District Health Officer or a Sanitary ector may prohibit persons from easing them- s, or throwing, depositing or discharging any ish, sewage, or offensive matter, into any tank, pool or other source of water-supply, h is used by the public, or within such a nce from such well, tank, pool or source of r-supply as he may fix.

Conservancy and sewage disposal.

The District Health Officer or a Sanitary ector may (1) prohibit the committal or con- ance of any nuisance, or (2) require the person ing any nuisance or the person occupying the ises on which any nuisance exists to remove nuisance.

xplanation.—In this regulation "nuisance" ns anything which in the opinion of the rict Health Officer or Sanitary Inspector is y to spread or to cause the outbreak of cholera.

. Whenever the District Health Officer or a tary Inspector is satisfied that the condition ny privy, urinal, drain, sewer or cesspool is as to cause risk of spreading cholera to the bitants of the neighbourhood he may order the pier of the land in which such privy, urinal, n, sewer or cesspool is situated to disinfect, or llow an officer of the Board to disinfect, the e with such disinfectants in such quantities at such time as the said officer or inspector l think fit.

. The District Health Officer or a Sanitary ector may for the prevention of the outbreak spread of cholera order the owner or occupier ny land to repair or make efficient to the satis- ion of that officer or inspector any drain, er, privy, urinal or cesspool which is situated n such land or to remove any such drain, er, privy, or urinal or close any such cesspool hin such time as may be fixed by the said officer inspector.

Miscellaneous.

8. The District Health Officer or a Sanitary pector may during the prevalence of any out- ak of cholera order that any market, shop or er public place shall remain closed for such e as may appear to him to be necessary and forbid the holding of any fair, *mela* or other hering to which people from several villages monly or periodically resort.

9. The District Health Officer or a Sanitary pector may require the owner or occupier of land to clear and remove within the period ified in the order, any vegetation upon such land the existence of which in the opinion of the said officer or inspector conduces to the commit- ting of nuisances upon such land.

30. The District Health Officer or a Sanitary Inspector may issue general orders that by a speci- fied date certain sanitary precautions of a simple nature, such as lime-washing of houses, clearing of latrines or the removal of filth or rubbish shall be carried out to his satisfaction.

31. The District Health Officer or a Sanitary Inspector may prohibit persons from retaining or selling clothes taken from the bodies of persons who have died of cholera and may cause any such clothes to be destroyed.

32. No person shall, without the written per- mission of the District Health Officer or a Sanitary Inspector dispose of any corpse except by burning or burial.

33. The District Health Officer may approve burning or burial grounds and may by order direct either generally or especially in respect to any specified area, that corpses shall not be burned or buried at places other than those so approved by him.

34. Any person burning or causing to be burnt any corpse shall cause the same to be completely reduced to ashes, and shall likewise cause the clothes or other articles brought with such corpse to be reduced to ashes.

35 The District Health Officer may direct that no person shall bury or cause to be buried any corpse which, in the opinion of the District Health Officer, is likely to spread cholera in a grave not constructed of masonry and less than six feet deep.

36. The District Health Officer may order that no *dome* or other servant of the Board employed for the disposal of corpses shall withdraw from his duties without the permission of the District Health Officer unless such *dome* or other servant of the Board has given notice in writing not less than one month previously of his intention so to withdraw.

37. The District Health Officer or a Sanitary Inspector may through any person authorised by such officer or inspector in that behalf seize and dispose of any corpse, which, in the opinion of the said officer or inspector, is infected with or is likely to spread cholera, unless the relatives or friends of the deceased person satisfy him that they are prepared and able to dispose of the corpse in a manner which will prevent the spread of cholera.

38. (*1*) The District Health Officer or Sanitary Inspector may require any person who appears to be acquainted with facts in connection with any case of cholera or suspected cholera to attend before him at a time to be stated in the order and at any place not more than one mile from the place where such person resides or is staying when the order is issued, and such person shall appear as so re- quired.

(*2*) When the person summoned to appear under paragraph (*1*) is a female who, by the custom of the country, does not appear in public suitable precaution shall be taken to respect the said custom.

39. (*1*) The District Health Officer or a Sani- tary Inspector may examine orally any person who appears to be acquainted with the facts and circumstances of a case of cholera or suspected cholera.

(*2*) When the person to be examined under paragraph (*1*) is a female who, by the custom of the country does not appear in public, the officer shall take her statement under such conditions as shall admit of due respect to the said custom.

(*3*) Such person shall be bound to answer all questions relating to such case put to him or her by such officer, other than questions the answers to which would have a tendency to expose him or her to any criminal charge.

40. The District Health Officer or a Sanitary Inspector may, with such assistants (if any) as he thinks fit, enter upon any land, or after two hours' notice in writing, into any premises or buildings used for human habitation at any time between sunrise and sunset for the purpose of carrying out any measure or making any enquiries authorised by these regulations.

41. All inoculations under these regulations shall be performed gratuitously.

42. (*i*) Orders issued by the District Health Officer or a Sanitary Inspector under these regulations shall be in writing.

(*ii*) The officer issuing such orders shall cause copies of them to be served upon any persons named in them.

(*iii*) The nearest relative of a patient or the occupier of the house in which the patient is staying shall, if a copy of the order under regulation 11 has been served upon him, give to the nearest Sanitary Inspector or to his office, immediate notice of any disobedience of the order by the patient.

No. P.H. 1M-35/47.—13th January 1948.—Whereas the Governor is satisfied that the districts of 24-Parganas, Hooghly, Howrah and Midnapore are threatened with an outbreak of small-pox:

Now, therefore, in exercise of the power conferred by section 2 of the Epidemic Diseases Act, 1897 (Act III of 1897), the Governor is pleased to prescribe the following temporary regulations for the prevention and control of small-pox, and for the medical inspection, isolation, observation and surveillance of persons suffering from, or suspected of being infected with, small-pox in the said districts for a period of one month.

Temporary regulations for the prevention and control of small-pox.

1. In these regulations, unless there is anything repugnant in the subject or context—

(*a*) "District Health Officer" means the Health Officer of the district appointed by the District Board under sub-section (*3*) of section 91 of the Bengal Local Self-Government Act of 1885 (Bengal Act III of 1885);

(*b*) "Sanitary Inspector" means a Sanitary Inspector appointed by the District Board under sub-section (*3*) of section 91 of the Bengal Local Self-Government Act of 1885;

(*c*) "Board" means a District Board constituted under the Bengal Local Self-Government Act of 1885;

(*d*) "Union Board" means a Union Board constituted under the Bengal Village Self-Government Act, 1919;

(*e*) "small-pox" means any disease accompanied by an eruption of vesicles or pustules;

(*f*) "patient" means a person suffering from or suspected to be suffering from small-pox;

(*g*) "medical practitioner" means any person practising the medical profession.

Notices.

2. If in any case the District Health Officer considers that the issue of a notice under regulation 20 is likely to lead to such an amount of delay as might facilitate the spread of small-pox he may forthwith take such steps as he may think fit for carrying out the work, and shall thereafter, as soon as possible, issue a notice on the person concerned stating the reasons why such work has been carried out.

3. If any measure which the District Health Officer has, by a notice issued under regulation 20, required to be carried out, be not carried out to his satisfaction within the time stated in the notice the District Health Officer shall be entitled to carry out the measure.

Costs and compensation.

4. (*1*) All expenses incurred in carrying ou any work in pursuance of an order issued unde these regulations shall be paid by the Board excep in any case where the order directs a person to carr out any work in relation to property in his posses sion, in which case the expenses shall be paid b such person:

Provided that where the conditions which led th District Health Officer to pass such an order, ar not attributable to any act or default of the perso in possession of the property, the Board may pa to such person the whole or a part of the expense incurred by him in carrying out the order.

(*2*) The Board may recover all expenses incurre by the District Health Officer in carrying out th measure under regulation 3 from the person o persons to whom the notice was originally issued.

5. The Board shall pay adequate compensatio to any person who has sustained substantial loss o damage by reason or anything done under thes regulations:

Provided that no person shall receive any com pensation for anything done or suffered under thes regulations if he has failed to carry out an orde issued under these regulations within the time specified in the order and to the satisfaction of the District Health Officer.

Location of disease.

6. When a case of small-pox occurs in a house, the nearest male relative in attendance upon the patient, or in the absence of any such relative the occupier of the house, or if the occupier be the patient, the senior male inmate of the house other than the patient of the house shall, within twenty-four hours of the onset of the disease, give information regarding the occurrence of such case either personally or in writing or by means of the chaukidar or other village watchman to the nearest Sanitary Inspector.

7. (*1*) Every medical practitioner called in to attend upon any case of small-pox shall forthwith give notice of the case by a special messenger to the nearest member of the outdoor staff of the Board and to the District Health Officer by post and the cost of such messenger in each case shall be defrayed by the Board.

(*2*) The doctor-in-charge of a hospital or a dispensary within the district shall forthwith give notice of any case of small-pox brought to such hospital or dispensary for treatment to the nearest Sanitary Inspector by a special messenger and to the District Health Officer by post, and the cost in each case shall be defrayed by the Board.

8. Presidents of Union Boards in union board areas and thana officers in non-union board areas shall supply to the District Health Officer such periodical returns of cases of small-pox as he m from time to time call upon them to furnish.

9. The District Health Officer or a Sanita Inspector may examine any person who is, suspected to be, suffering from small-pox or wl in his opinion, may be infected with or likely spread small-pox.

Isolation of patients.

10. When the District Health Officer or Sanitary Inspector considers that the isolation any patient is a precaution necessary for the p tection of the neighbouring population, he sh order the patient to observe isolation and m order the nearest relative in attendance on t patient, or the occupier of the house in which t patient is staying to arrange for the isolation the patient in such a manner and for such a ti as may be approved by the District Health Offic

He shall not direct the patient to be removed rom the house unless it is, in his opinion, mpossible to make proper arrangements for his solation therein.

11. The District Health Officer or a Sanitary nspector may order that any person, who has been n contact with a person found to be suffering from mall-pox shall be segregated for a period not xceeding a fortnight in a manner and in a place o be approved by the District Health Officer.

12. The District Health Officer or a Sanitary nspector may order that any person who has been n contact with a person found to be suffering from mall-pox shall be vaccinated or revaccinated vithin a time to be specified in the order.

13. No person shall enter any place wherein a atient is isolated under regulation 10 without the ermission of the District Health Officer or a anitary Inspector.

14. When a patient has been removed from a ouse for isolation under regulation 10, the Board hall provide for him free of charge a suitable lace, with necessary attendants, diet, etc.

15. No person, who is or has been suffering rom small-pox, shall leave the place where he has een staying until he has received from the District ealth Officer or a Sanitary Inspector written ermission to do so.

15A. No person while suffering from evident ymptoms of small-pox or in the convalescent state f the disease with scabs of pocks on his body shall xpose himself in any street, road, public place, hop, bazar or any place used in common by ersons other than members of the family or house-old to which such infected persons belong or shall ove from place to place unless he is proceeding o a hospital for admission and treatment.

Miscellaneous.

16. The District Health Officer or a Sanitary nspector may require any person to allow to be arried out by such agency and within such time s may be specified in the order, such measures for he disinfection of any premises in the occupation f such person or for the disinfection or destruction f any of his personal effects, as the said officer or nspector may consider necessary.

16A. The District Health Officer or a Sanitary nspector authorised by the District Health Officer n writing in that behalf may during the prevalence f any outbreak of small-pox order that any bazar, hop or other public place shall remain closed for uch time as may appear to him to be necessary nd may forbid the holding of any fair, *mela* or ther gathering to which people from several illages commonly or periodically resort.

17. The District Health Officer or a Sanitary nspector may direct the owner or occupier of any remises to take steps to have vaccinated or revac-inated within a time to be specified in the order ny person residing on such premises and under he control of such owner or occupier if the District Health Officer is of opinion that such person has een in contact with any one suffering from small-pox.

18. The District Health Officer or a Sanitary nspector may forbid any person who has been a atient or who has to his knowledge been in contact with a patient to act as vendor of any article for uch period as may be specified in the order.

18A. No person shall carry or permit to be arried in a public conveyance a patient except in he case where a patient is carried to a hospital vith the following precautions against spreading he disease, namely:—

(*i*) that he is so well covered that the discharge nd scabs from the lesions do not come directly nto touch with the body of the conveyance;

(*ii*) that he is taken to the hospital direct and the conveyance does not halt at any other place for transacting any business; and

(*iii*) that excepting one or two attendants for the patient no other person is carried in the conveyance at the same time.

18B. Every conveyance in which a patient or a dead body of a person who has died of small-pox or any article that has been in contact with a patient is carried shall be disinfected before it is used again. The disinfection will be effected—

(*i*) in the case of a conveyance carrying a patient to hospital, by the authorities of the hospital before such conveyance leaves the hospital;

(*ii*) in the case of a conveyance carrying any clothing, bedding or other article of a patient to the disinfecting station, by the authorities of such station; and

(*iii*) in the case of a conveyance carrying a dead body to the burial or cremation ground, by the owner of the conveyance himself and such owner shall effect the disinfection with a strong solution of formalin (1 in 400), lysol (1 in 500), izol (1 in 500) or of saponified cresol (1 in 160).

19. No person shall sell any article which has been in contact with a patient until it has been disinfected to the satisfaction of the District Health Officer or a Sanitary Inspector.

19A. No person shall expose in any street, shop, bazar or any public place any clothing, bedding or other article which has been in contact with a patient or shall cause or suffer such articles to be carried in any public conveyance, but nothing in this regulation shall apply to a person who transmits any such article for the purpose of having the same disinfected with the following precautions against spreading the disease:—

(*i*) the article is so well covered with a cloth soaked in strong solution of formalin (1 in 400), lysol (1 in 500), izol (1 in 500) or of saponified cresol (1 in 160) that it does not come directly into touch with the body of the conveyance;

(*ii*) the article is taken to the disinfecting station direct and the conveyance does not halt at any other place for transacting any business; and

(*iii*) excepting one attendant for the purpose of taking the infected articles to the disinfecting station no other person is carried in the conveyance.

20. The District Health Officer or a Sanitary Inspector may issue general orders that by a specified date certain sanitary precautions of a simple nature, such as lime-washing of houses, clearing of latrines or the removal of filth or rubbish, shall be carried out to his satisfaction.

20A. No person shall carry or permit to be carried in a public conveyance the dead body of any person who has died of small-pox without the previous written permission of the District Health Officer or a Sanitary Inspector and without taking the following precautions against spreading the said disease:—

(*i*) the dead body is so well covered with a cloth soaked in a strong solution of formalin (1 in 400), lysol (1 in 500), izol (1 in 500), or of saponified cresol (1 in 160) that the discharge and scabs from the lesions do not come directly into touch with the body of the conveyance;

(*ii*) the dead body is taken to the burial or cremation ground direct and the conveyance does not halt at any other place for transacting any business; and

(*iii*) excepting attendants for the dead body no other person is carried in the conveyance at the same time.

21. The District Health Officer or a Sanitary Inspector may prohibit persons from retaining or selling clothes taken from the bodies of persons who have died of small-pox and may cause any such clothes to be destroyed.

22. No person shall, without the written permission of the District Health Officer, dispose of any corpse except by burning or burial.

23. The District Health Officer may approve burning or burial grounds and may by order direct either generally or specially in respect to any specified area, that corpses shall not be burned or buried at places other than those so approved by him.

24. Any person burning or causing to be burnt any corpse shall cause the same to be completely reduced to ashes and shall likewise cause the clothes or other articles brought with such corpse to be reduced to ashes.

25. The District Health Officer may direct that no person shall bury or cause to be buried any corpse, which in the opinion of the District Health Officer, is likely to spread small-pox, in a grave, not constructed of masonry and less than 6 feet deep.

26. The District Health Officer may order that no *dome* or other servant of the Board employed for the disposal of corpses shall withdraw from his duties without the permission of the District Health Officer unless such *dome* or other servant of the Board has given notice in writing not less than one month previously of his intention so to withdraw.

27. The District Health Officer or a Sanitary Inspector may through any person authorised by such officer or inspector in that behalf seize and dispose of any corpse which in the opinion of the said officer or inspector is infected with or is likely to spread small-pox, unless the relatives or friends of the deceased person satisfy him that they are prepared and able to dispose of the corpse in a manner which will prevent the spread of small-pox.

28. (*1*) The District Health Officer or a Sanitary Inspector may require any person who appears to be acquainted with facts in connection with any case or suspected case of small-pox to attend before him at a time to be stated in the order and at any place not more than one mile from the place where such person resides is staying when the order is issued, and such person shall appear as so required.

(*2*) When the person summoned to appear under paragraph (*1*) is a female who, by the custom of the country, does not appear in public, suitable precaution shall be taken to respect the said custom.

29. (*1*) The District Health Officer or a Sanitary Inspector may examine orally any person who appears to be acquainted with the facts and circumstances of a case or suspected case of small-pox.

(*2*) When the person to be examined under paragraph (*1*) is a female who, by the custom of the country, does not appear in public, the officer shall take her statement under such conditions as shall admit of due respect of the said custom.

(*3*) Such person shall be bound to answer all questions relating to such case put to him or her by such officer, other than questions the answers to which would have a tendency to expose him or her to any criminal charge.

30. The District Health Officer or a Sanitary Inspector may, with such assistants (if any) as he thinks fit, enter upon any land, or after two hours' notice in writing, into any premises or building used for human habitation at any time between sunrise and sunset for the purpose of carrying out any measure or making any enquiries authorised by these regulations.

31. The crew of any inland steam-vessel or boat which plies in any canal or river and other persons residing on such vessel or boat shall be subject to these regulations.

32. (*1*) All vaccinations under these regulations shall be performed gratuitously provided they be done (*a*) at such public vaccination stations as may be opened by the District Board or (b) by house to house visits in the case of such females as are by the custom of the country unable to attend at public vaccination stations and are too poor to pay fees.

(*2*) Persons desirous of being vaccinated in their own houses other than those specially exempted under sub-regulation (*1*) shall pay a fee of two annas for each vaccination for which they shall get a printed receipt: provided that the total amount of fees payable for any number of operations performed in one family at the same hour and at the same time shall not exceed annas eight.

33. (*1*) Orders issued by the District Health Officer or a Sanitary Inspector under these regulations shall be in writing.

(*2*) The officer issuing such orders shall cause copies of them to be served upon any person named in them.

(*3*) The nearest relative of a patient or the occupier of the house in which the patient is staying shall, if a copy of the order under regulation 10 has been served upon him, give to the nearest Sanitary Inspector or to his office immediate notice of any disobedience of the order by the patient.

By order of the Governor.

S. K. GUPTA,

Secy. to the Govt. of West Bengal

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GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

49L.—13th January, 1948.—The Governor g been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information: -

THE WEST BENGAL PRIVATE FORESTS BILL, 1948.

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THE WEST BENGAL PRIVATE FORESTS BILL, 1948.

A

BILL

to provide for the conservation of private forests and for the afforestation in certain cases of waste-lands in West Bengal.

WHEREAS it is expedient to provide for the conservation of forests and for the afforestation of waste-lands in West Bengal where such forests or lands are not the property of the Crown or where the Crown has no proprietary right over such forests or lands;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the West Bengal Private Forests Act, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) This section shall come into force at once and the remaining provisions of this Act, in whole or in part, shall come into force in such areas and on such dates as the Provincial Government may, by notification, specify and for this purpose different dates may be specified for different provisions of this Act and for different areas.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Appellate Committee" means a committee the procedure of which shall be as prescribed, appointed by the Provincial Government in respect of a notified area to hear appeals under this Act consisting of three members of whom the Chairman shall be a Revenue Officer not below the rank of a Collector, one member shall be a member of the Indian Forest Service or the West Bengal Forest Service not below the rank of a Deputy Conservator of Forests and the other member shall be an owner of a private forest who shall be selected in the prescribed manner from amongst the owners of private forests in such notified area;

(*2*) "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;

(*3*) "conservation", used in reference to a forest, includes such measures as are necessary in the opinion of the Regional Forest-officer for the prevention or remedying of the erosion of the soil or any flood or landslide;

(*4*) "Controlled forest" means a forest in respect of which a wroking plan has been approved under sub-section (*1*) of section 4;

(*5*) "forest" includes any land recorded as forest in a record of rights prepared under Chapter X of the Bengal Tenancy Act, 1885; VIII of 1885.

(*6*) "forest-offence" means an offence punishable under this Act or under any rule made thereunder;

(*7*) "Forest-officer" means any person whom the Provincial Government or any officer empowered by the Provincial Government in this behalf, may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Forest-officer;

(*8*) "forest-produce" includes—

(*a*) the following whether found in, or brought from, a forest or not, that is to say:—

(*i*) timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, *mahua* flowers, *mahua* seeds, *kuth* and myrabolams, and

The West Bengal Private Forests Bill, 1948.

(Chapter 1.—Preliminary.—Clause 2.)

(*ii*) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and

(*b*) the following when found in, or brought from, a forest, that is to say:—

(*i*) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned, of trees,

(*ii*) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants, and

(*iii*) peat, surface soil, rock and minerals (including lime-stone, laterite, mineral oils, and all products of mines or quarries);

(*9*) "Forest Settlement-officer" means an officer, who shall ordinarily be a Revenue Officer, appointed by the Provincial Government to perform the functions of a Forest Settlement-officer under this Act and includes a Board, the procedure of which shall be as prescribed, appointed by the Provincial Government to perform such functions, consisting of not more than three officers of whom at least two shall be Revenue Officers;

(*10*) "notification" means a notification published in the *Official Gazette*;

(*11*) "notified area" means an area specified in a notification issued under sub-section (*1*) of section 3;

(*12*) "owner" includes any mortgagee in possession, lessee, common manager, receiver appointed by a competent Court and any person holding any property in trust and also includes a Court of Wards in respect of property under the superintendence or charge of such Court;

(*13*) "prescribed" means prescribed by rules made under this Act;

(*14*) "private forest" means a forest which is not the property of the Crown or over which the Crown has no proprietary right;

(*15*) "Regional Forest-officer" means a Forest-officer appointed by the Provincial Government as such by a notification for a notified area;

(*16*) "river" includes any stream, canal, creek or other channel, natural or artificial;

(*17*) "timber" includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not;

(*18*) "tree" includes palms, bamboos, stumps, brushwood and canes;

(*19*) "vested forest" means a forest of which the control has been vested in a Regional Forest-officer by a notification under sub-section (*2*) of section 6 or under section 7 or under section 11 and includes any forest deemed to be, or managed as, a vested forest under this Act;

(*20*) "waste-land" means any waste-land which is not the property of the Crown or over which the Crown has no proprietary right;

(*21*) "working plan" means a written scheme for the management and treatment of a forest; and

(*22*) "year" means a year beginning on the 1st day of April.

The West Bengal Private Forests Bill, 1948.

(Chapter II.—Conservation of Private Forests and Afforestation of Waste-lands.—Clauses 3, 4.)

CHAPTER II.

Conservation of Private Forests and Afforestation of Waste-lands.

Preparation of, and appeal and revision in respect of working plans for private forests.

3. (*1*) The Provincial Government may, by notification, direct that every owner of a private forest which is not a vested forest, but which is situated within such area as may be specified in the notification, shall prepare in the prescribed manner and submit within the period mentioned in the notification to the Regional Forest-officer a working plan for the conservation of such private forest.

(*2*) On the expiry of the period mentioned in the notification under sub-section (*1*), the Regional Forest-officer shall, after considering each working plan submitted to him under that sub-section, and after consultation in the manner prescribed with the Conservator of Forests of the forest circle within which such forest is situated, by an order in writing, accept the working plan or modify it in such manner as he may consider necessary or substitute another working plan for it.

(*3*) If any owner of such private forest does not submit a working plan within the period specified in the notification issued under sub-section (*1*), the Regional Forest-officer may, after consultation in the manner prescribed with the Conservator of Forests of the forest circle within which such forest is situated, prepare a working plan in respect of such forest.

(*4*) When the Regional Forest-officer by an order in writing modifies any working plan under sub-section (*2*) or substitutes another working plan under that sub-section for the working plan submitted under sub-section (*1*), he shall cause a copy of such order to be served in the prescribed manner upon the owner of such private forest to which such working plan relates and such owner may, within sixty days of the date of service of such order, appeal against such order to the Appellate Committee and the Appellate Committee may thereupon, after giving such owner an opportunity of being heard, by an order in writing, either accept the working plan with or without modifications or reject it and the decision of the Appellate Committee on every such appeal shall, subject to the provisions of sub-section (*5*), be final.

(*5*) The Board of Revenue may, on application by an owner of a private forest for revision of an order of the Appellate Committee passed in appeal under sub-section (*4*), and if such application is made within thirty days from the date of the order, call for the record of the appeal in which the order was passed and on receipt of such record, after giving such owner an opportunity of being heard, may, if it does not see fit to reject the application, direct the Appellate Committee by an order in writing to make such modifications in the working plan accepted by the said Committee under sub-section (*4*) as may be specified in such order in writing.

(*6*) The Board of Revenue shall, as soon as may be after an application for revision is disposed of under sub-section (*5*), communicate the order passed by it on such application to the Appellate Committee, and on receipt of such order the Appellate Committee shall, where the Board of Revenue has directed any modification to be made in such working plan, modify it accordingly.

Approved working plans.

4. (*1*) When the Appellate Committee accepts any working plan with or without modification under sub-section (*4*) of section 3, or modifies any working plan under sub-section (*6*) of the said section, or the Regional Forest-officer accepts, modifies or substitutes any working plan under the said section, or prepares any working plan under the said section, such Committee or officer shall by an order in writing approve such working plan or the working plan as so modified by the Committee or such officer, as the case may be, and every working plan so approved shall be

deemed for the purposes of this Act to be an approved working plan:

Provided that the Regional Forest-officer shall not so approve any working plan that he has modified or substituted by an order under sub-section (*2*) of section 3 if,—

(*a*) an appeal against the order has been made to the Appellate Committee; or

(*b*) where no such appeal has been made, the time within which such appeal may be made has not expired:

Provided further that the Appellate Committee shall not so approve any working plan accepted by it with or without modification by an order under sub-section (*4*) of section 3 if,—

(*a*) where an application for revision of the order has been made to the Board of Revenue, the order of the Board of Revenue on such application has not been received by such Committee; or

(*b*) where no such application for revision has been made, the time within which such application may be made has not expired.

(*2*) A copy of every approved working plan shall be sent in the prescribed manner by the Regional Forest-officer to the owner of the private forest to which it relates and the owner shall thereupon manage such forest in accordance with such plan and shall carry out all the terms and conditions thereof.

(*3*) At any time after five years from the date of approval of a working plan under sub-section (*1*), or with the previous sanction of the Provincial Government at any time within the said period of five years, a Regional Forest-officer may, after consultation in the manner prescribed with the Conservator of Forests of the forest circle within which the forest to which such working plan relates is situated, by an order in writing, modify the approved working plan in such manner as he considers necessary and the provisions of sub-sections (*4*), (*5*) and (*6*) of section 3 and sub-sections (*1*) and (*2*) of this section shall apply to every plan so modified:

Provided that nothing in this section shall prevent the owner after the expiry of the said period of five years from applying in writing to the Regional Forest-officer for the modification of the working plan in such manner as may be specified in the application and if the Regional Forest-officer, after giving the owner an opportunity of being heard, does not see fit after such consultation as aforesaid so to modify the working plan, he shall record an order to that effect and the owner may within thirty days from the date of such order appeal against such order to the Appellate Committee and an application for revision shall also lie to the Board of Revenue from any order passed by the Appellate Committee on such appeal if presented within thirty days from the date of such order and the decision of the Appellate Committee on such appeal shall, subject to such revision by the Board of Revenue, be final.

Prohibition of leases and extension of terms of existing leases of private forests after issue of notification under section 3 (*1*)

5. After the publication of a notification under sub-section (*1*) of section 3, no owner of a private forest in the notified area shall enter into any new lease or extend the term of any existing lease in respect of such forest until the working plan in respect of such forest has been approved under sub-section (*1*) of section 4 except with the previous sanction of the Provincial Government and, after such working plan has been so approved, except in accordance with the terms and conditions of such plan and any lease entered into or any extension of the term of any lease granted in contravention of the provisions of this section shall, notwithstanding anything contained in any other law for the time being in force, be void and have no effect.

Penalty for the violation of working plan.

6. (*1*) If after an approved working plan in respect of any private forest has been sent under sub-section (*2*) of section 4 to the owner of such forest, such owner fails or neglects to carry out any of the terms and conditions of such plan, he shall be punishable with fine which may extend to five hundred rupees:

The West Bengal Private Forests Bill, 1948.

(Chapter II.—Conservation of Private Forests and Afforestation of Waste-lands.—Clauses 7, 8.)

Provided that no prosecution shall be instituted under this sub-section unless the Regional Forest-officer has served in the prescribed manner a notice on such owner specifying the terms and conditions of the working plan which such owner has failed or neglected to carry out and requiring such owner to take such steps for carrying them out as are specified in the notice within thirty days from the date of service of such notice and unless such owner has failed to comply with such notice.

(*2*) If the owner of a private forest is convicted a second or subsequent time under sub-section (*1*) for the failure or neglect to carry out any of the terms and conditions of the working plan in respect of such forest, the Provincial Government may, by a notification, direct that the control of such forest shall be vested in such Regional Forest-officer for such period as may be specified in such notification:

Provided that no such notification shall be issued until such owner has been called upon by notice in writing by the Regional Forest-officer within sixty days of such conviction to show cause before the Appellate Committee within such time as may be specified in the notice as to why such notification should not be issued and until the Appellate Committee, after considering the cause, if any, shown by him and any evidence which he may produce in support thereof, has recommended to the Provincial Government that such notification should be issued.

(*3*) Nothing in sub-section (*1*) shall render any owner of any private forest liable to conviction for any deviation from any approved working plan if such deviation has been previously sanctioned by the Regional Forest-officer on application made by such owner in that behalf to such officer or by the Appellate Committee on an appeal from an order of the Regional Forest-officer refusing to sanction such deviation presented by the owner to such committee within thirty days from the date of such order.

Vesting of forest in a Regional Forest-officer.

7. Notwithstanding anything contained in sections 3 and 4 or in sub-section (*2*) of section 6, if the Provincial Government is satisfied that the conservation of any private forest in a notified area should not be left to the owner thereof, the Provincial Government may, by a notification specifying the reasons for so doing, direct that the control of such forest shall be vested in such Regional Forest-officer for such period as may be specified in the notification:

Provided that no such notification shall be issued until,—

(*a*) the Regional Forest-officer has, by notice in writing, called upon the owner of such forest to show cause before the Appellate Committee within such period as may be specified in such notice why the control of such forest should not be so vested, and

(*b*) the Appellate Committee after considering the cause, if any, shown by the owner and any evidence which the owner may produce in support of the same has recommended that such notification should be issued.

Forest loans.

8. (*1*) Subject to rules made under this Act, loans may be granted on the recommendation of the Appellate Committee by such officer as may be empowered in this behalf by the Provincial Government to any owner of a controlled forest or of a vested forest who, in the opinion of the Appellate Committee, is likely to suffer unduly owing to any temporary reduction of his income resulting from any action taken under section 4 or sub-section (*2*) of section 6 or section 7 or to any owner of a controlled forest to enable such owner to pay any compensation payable by him under sub-section (*6*) of section 10 or sub-section (*2*) of section 25.

(*2*) An application for such a loan shall be made in the prescribed manner to the Appellate Committee and shall state the following particulars, namely:—

(*a*) the amount of the loan required,

(*b*) the reasons for which it is necessary, and

(*c*) the period for which it is required.

The West Bengal Private Forests Bill, 1948.

(Chapter II.—Conservation of Private Forests and Afforestation of Waste-lands.—Clauses 9, 10.)

(3) After considering in the prescribed manner the application made under sub-section (2) and any evidence that may be produced in support thereof the Appellate Committee shall state in writing its opinion as to whether or not a loan should be given, and, if it recommends the grant of a loan, shall forward the application to the officer empowered under sub-section (1) with its opinion, stating the reasons for such recommendation and specifying the following particulars, namely :—

(a) the amount of the loan that should be granted and the rate of the interest that should be charged,

(b) the instalments in which the loan should be advanced, and

(c) the period after which and the instalments in which the loan should be repaid.

(4) Subject to rules made under this Act all loans granted under sub-section (1), all interests, if any, chargeable thereon and costs, if any, incurred in granting such loans shall, when they become due, be recoverable by the Collector as if they were arrears of land revenue due in respect of the controlled forest or the vested forest of which the borrower was the owner at the time the loan was granted:

Provided that no proceeding in respect of any such forest under this sub-section shall affect any interest in that forest which existed before the date of the order granting the loan other than the interest of the borrower and of mortgagees of, or persons having charges on, the interest of the borrower.

Amalgamation of two or more vested forests under one working plan

9. (1) If, after consultation in the prescribed manner with the Conservator of Forests of the forest circle within which the forests are situated, a Regional Forest-officer is of the opinion that it is impossible otherwise to secure the conservation of two or more forests, belonging to different owners, of which the control has been vested in him by a notification under sub-section (2) of section 6 or under section 7, he may record an order that such forests shall be managed under one working plan as if they belonged to one owner, and shall cause a copy of such order to be served in the prescribed manner on the owner of each such forest.

(2) The Regional Forest-officer may at any time, after consultation in the manner referred to in sub-section (1), by order in writing rescind or modify an order passed by him under that sub-section and a copy of every order passed under this sub-section shall be served in the prescribed manner on the owner of each such forest.

(3) Any owner or other person interested in any such forests may, within thirty days from the date on which the copy of any order passed under sub-section (1) or sub-section (2) is served on him, appeal against such order to the Appellate Committee and the decision of the Appellate Committee on such appeal shall, subject to the provisions of sub-section (4), be final.

(4) The Board of Revenue may, on application made within thirty days from the date of any order of the Appellate Committee passed in appeal under sub-section (3), revise such order.

Afforestation of land adjoining a forest.

10. (1) The Provincial Government may, if it is satisfied on application made by the owner of a controlled forest, or by the Regional Forest-officer in whom the control of a private forest is vested under this Act, that any land adjoining such forest has not been cultivated during the three years immediately preceding the year in which such application is made and that such land is suitable for afforestation, by notification, announce its intention to declare such land to be liable to be made over to the owner of such controlled forest or vested forest, as the case may be.

(2) Every notification issued under sub-section (1) shall specify a period within which objections to the proposed declaration may be submitted by any person interested in such land to the Appellate Committee and a copy of every such notification shall be served in the prescribed manner on the person entitled to cultivate such land.

The West Bengal Private Forests Bill, 1948.

(Chapter. II—Conservation of Private Forests and Afforestation of Waste-lands.—Clause 10.)

(*3*) After the expiry of the period so specified in a notification issued under sub-section (*1*), the Appellate Committee shall hear the objections, if any, submitted by the person entitled to cultivate such land or any other person interested in such land and any evidence which any such person may produce in support of the same and forward the objections so submitted and its opinion thereon to the Provincial Government.

(*4*) If, after considering the objections and the opinion of the Appellate Committee forwarded under sub-section (*3*), the Provincial Government is of opinion that such land should be declared to be liable to be made over to the owner of the controlled or vested forest referred to in sub-section (*1*), the Provincial Government shall issue a notification—

(*a*) declaring such land to be liable to be made over to the owner of such forest to be specified in the notification,

(*b*) specifying as nearly as possible the situation and limits of such land, and

(*c*) appointing a Forest Settlement-officer to determine, subject to any rules made under this Act, by an order in writing,—

(*i*) what rights in or over such land shall be extinguished, and

(*ii*) what rent, if any, shall be payable by the owner of such forest to any landlord of such land.

(*5*) When a notification has been issued under sub-section (*4*), the amount of the compensation payable under sub-section (*6*) to every person whose rights as specified by the Forest Settlement-officer under sub-clause (*i*) of clause (*c*) of sub-section (*4*) are to be extinguished shall be determined, subject to any rules made under this Act, in the manner and in accordance with the principles hereinafter set out, that is to say—

(*i*) when the amount of compensation can be fixed by the Forest Settlement-officer appointed under clause (*c*) of sub-section (*4*) by agreement, it shall be paid in accordance with such agreement;

(*ii*) where no such agreement can be reached, the Provincial Government shall appoint as arbitrator a person who has exercised the powers of a District Judge in West Bengal or who possesses such qualifications as are normally required for appointment to the post of District Judge in West Bengal;

(*iii*) at the commencement of the proceedings before the arbitrator the owner of the forest, or the Regional Forest-officer by whom the compensation is payable, and the person to be compensated shall state what in their respective opinions is a fair amount of compensation;

(*iv*) the arbitrator in making his award shall have regard to the provisions of sub-section (*1*) of section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable; 1 of 1894.

(*v*) an appeal shall lie to the High Court against an award of an arbitrator except in cases where the amount thereof does not exceed an amount prescribed in this behalf;

(*vi*) save as provided in this sub-section and in any rules made under this Act, nothing in any law for the time being in force shall apply to arbitrations under this sub-section.

(*6*) The amount of compensation determined under sub-section (*5*) shall be paid in the prescribed manner, in the case where the notification under sub-section (*1*) was issued on the application of the owner of a controlled forest, by such owner, and in the case where such notification was issued on the application of a Regional Forest-officer, by such officer out of the profits of the vested forest adjoining such land, to the person entitled to such compensation and, on payment of such compensation, the land shall be made over by the Forest Settlement-officer appointed under clause (*c*) of sub-section (*4*) to the owner of the controlled or vested

forest specified in the notification issued under that sub-section and shall thereupon vest in such owner and all rights in or over such land specified by the said officer under sub-clause (*i*) of the said clause shall with effect from the date on which such land is so made over be extinguished.

(*7*) When any land is made over under sub-section (*6*) to the owner of a forest, it shall, with effect from the date on which it is so made over, be deemed to be a private forest.

(*8*) When any such land is made over under sub-section (*6*) to the owner of a vested forest which adjoins such land, the control of such land shall be vested in the Regional Forest-officer in whom the control of such forest is for the time being vested and the land shall, for the purposes of this Act, be deemed to be a vested forest.

(*9*) When any such land is made over under sub-section (*6*) to the owner of a controlled forest which adjoins such land, the Regional Forest-officer may, after consultation in the prescribed manner with the Conservator of Forests of the forest circle within which such controlled forest is situated, by an order in writing, a copy of which shall be served on such owner in the prescribed manner, either direct that the approved working plan in respect of such controlled forest shall be deemed to be the working plan approved for such land under sub-section (*1*) of section 4 or require such owner to prepare in the prescribed manner and submit within the period to be mentioned in such order to such officer a working plan in respect of such land.

(*10*) Where the owner of a controlled forest is required under sub-section (*9*) to prepare and submit a working plan in respect of the land made over to him under sub-section (*6*), the provisions of sections 3 and 4 shall apply to such working plan as if such owner has been required to prepare such working plan under sub-section (*1*) of section 3.

Afforestation of other land

11. (*1*) If it appears from the report of a Regional Forest-officer that any waste-land which is lying uncultivated for not less than three years is suitable for afforestation and that the owner of such land is unwilling or unable to cultivate it by growing therein agricultural crops, or to use it for the purposes of horticulture to the satisfaction of such officer or to afforest it, the Provincial Government may, by a notification, direct that the control of such land shall be vested in a Regional Forest-officer to be specified in the notification for the purpose of afforestation for such period as may be stated in the notification:

Provided that the Provincial Government shall not issue any notification under this sub-section without considering whether or not such land can more advantageously be used for the purposes of agriculture or horticulture than for the purposes of afforestation:

Provided further that no such notification shall be published until a notice has been issued by such Regional Forest-officer calling upon the owner of such land and any other person interested therein to show cause before the Appellate Committee within such period as may be specified in the notice why the notification should not be published and until the cause, if any, shown and any evidence that may have been produced in support of the same before the Appellate Committee and the opinion of the Appellate Committee thereon have been considered by the Provincial Government.

(*2*) Any land in respect of which a notification has been published under sub-section (*1*) shall be deemed to be a vested forest for the purposes of this Act.

(*3*) When all expenses incurred by the Provincial Government for the afforestation of any such land have been recouped, the profits resulting from such afforestation shall, during the period the control of such land remains vested in a Regional Forest-officer, be divided in equal shares between the Provincial Government and the owner of the land.

The West Bengal Private Forests Bill, 1948.

(Chapter. II—Conservation of Private Forests and Afforestation of Waste-lands.—Clauses 12—14.)

Apportionment of rents of forests held under a lease jointly with other lands and the division of the tenure or holding comprising a forest.

12. (*1*) Notwithstanding anything contained in any other law for the time being in force, where a private forest or any waste-land is, at the date of publication of a notification vesting the control thereof in a Regional Forest-officer under sub-section (*2*) of section 6 or under section 7 or under section 11, as the case may be,—

(*a*) held under a lease granted by the owner of such forest or land before the date of publication of such notification, and such lease comprises not only the areas included in such forest or land but also other areas, or

(*b*) held by the owner of such forest or land as part of a tenure or holding jointly with other lands,

the Collector of the district may, on application made in this behalf by such Regional Forest-officer,—

(*i*) in the case referred to in clause (*a*), by an order in writing, apportion, subject to rules made under this Act, the rent payable under the lease between the areas included within the vested forest and other areas comprised within the lease on the basis of their respective assests, and

(*ii*) in the case referred to in clause (*b*), by an order in writing direct the division of such tenure or holding in such manner that a separate tenure or holding is formed with the lands included within the vested forest and also direct such distribution of the rent payable in respect of such tenure or holding between the two separate tenures or holdings so formed as he deems fair and equitable:

Provided that no order shall be passed under this sub-section without giving, in the case of an order passed under clause (*i*) the lessor and the lessee of such forest or land, and in the case of an order passed under clause (*ii*) the owner of such forest or land and the landlord or landlords, or their common agent, if any, of the tenure or holding, a reasonable opportunity of being heard.

(*2*) An appeal shall lie from every order passed under sub-section (*1*) to the Commissioner of the Division if it is presented within thirty days from the date of such order and the decision of the Commissioner on such appeal shall be final and shall not be questioned in any Court.

Explanation.—In this section, "lease", "lessor" and "lessee" have the same meanings as in the Transfer of Property Act, 1882, and "tenure" and "holding" have the same meanings as in the Bengal Tenancy Act, 1885. IV of 1882. VIII of 1885.

Rent to be a charge on the leasehold interest in a vested forest.

13. Where a private forest or waste-land of which the control has been vested in a Regional Forest-officer by a notification under sub-section (*2*) of section 6 or under section 7 or under section 11 is, at the date of publication of such notification, held either exclusively or jointly with other property under a lease granted by the owner of such forest or land before such date, the rent payable under the lease or under an order of apportionment made under clause (*i*) of sub-section (*1*) of section 12 in respect of such forest or land during the period such forest or land remains so vested in the Regional Forest-officer shall, subject to the prior payment of the land-revenue, if any, due to the Government thereupon, be a first charge upon the leasehold interest in such forest created by such lease.

Power to order a vested forest to be formed into a separate estate.

14. The Provincial Government may, if it thinks it expedient, direct the Collector to partition off that part of an estate which comprises a vested forest into a separate estate; and the demand in respect of land-revenue and cess for which the original estate was liable shall on such partition be assessed upon and divided between the two separate estates so formed respectively in such manner as the Provincial Government may direct.

The West Bengal Private Forests Bill, 1948.

(Chapter. II—Conservation of Private Forests and Afforestation of Waste-lands.—Clauses 15—17.)

Power to exempt an estate of which a vested forest forms part from sale for arrears of revenue.

15. The Provincial Government may, if it so considers expedient, by a notification, exempt any estate, and subject to the provisions of section 14 of the Bengal Land-revenue Sales Act, 1859, every share or part of an estate for which a separate account has been opened under section 10, or section 11 of the said Act, or under section 70 of the Land Registration Act, 1876, of which a vested forest forms part, from sale for arrears of Government revenue accruing during the period the control of such forest remains vested in a Regional Forest-officer under sub-section (*2*) of section 6 or under section 7 or under section 11 or during such part of such period as may be specified in such notification: XI of 1859. Ben. Act VII of 1876.

Provided that where any such estate, share or part is so exempted, all such arrears of revenue shall be the first charge upon the sale-proceeds of such estate, share or part which may be sold otherwise than for such arrears of revenue.

Determination of cost of management of vested forest and distribution of net profit.

16. (*1*) The cost of any extra staff required for the management of a vested forest in each year shall be determined in the prescribed manner by the Regional Forest-officer and shall be recovered by him in that year, or in subsequent years, from the sale of the forest produce of such forest.

(*2*) The cost of the operations of any Forest Settlement-officer and such part of the cost of a Regional Forest-officer and of his staff as is proportionate to the work done by them in connection with the management of a vested forest shall be included in the cost of management.

(*3*) Any amount due in respect of a loan made under section 8 to the owner of a vested forest shall be included in the cost of management of such forest.

(*4*) Any amount paid as compensation by the Regional Forest-officer under sub-section (*6*) of section 10 out of the profits of a vested forest or paid as compensation by the Regional Forest-officer under sub-section (*2*) of section 25, and to be recouped under that sub-section from the profits of a vested forest, shall be included in the cost of managment of such forest.

(*5*) Until otherwise determined by a competent Court, the respective shares of the owners of a vested forest shall be determined by a Forest Settlement-officer in the prescribed manner, and thereafter, the net profits in respect of such forest, which shall be calculated in the prescribed manner, shall be distributed among the various owners thereof in proportion to their respective shares as so determined.

(*6*) In each year the Regional Forest-officer shall record in a statement the cost of management with which each vested forest shall be charged and any amount which shall be paid in respect of the net profits calculated under sub-section (*5*) and shall cause a copy of such statement to be served in the prescribed manner on the owner of such forest.

Imposition of cess.

17. (*1*) The Provincial Government may impose in the prescribed manner on an acreage basis a cess on all private forests within a notified area with effect from such date, not being before the expiry of ten years from the date of publication of a notification under section 3, as the said Government may appoint.

(*2*) Such cess shall be so calculated as to yield a sum not greater than that which is sufficient to meet the cost of the Regional Forest-officer and his staff, including any expenses incurred in connection with their work to be determined in the prescribed manner.

(*3*) If the Regional Forest-officer or his staff does any work in connection with a Government forest, a proportionate deduction shall be made from the cost of such Regional Forest-officer and of his staff before the cess is calculated under sub-section (*2*).

(*4*) Every cess imposed under sub-section (*1*) shall be recoverable as a public demand under the Bengal Public Demands Recovery Act, 1913. Ben. Act III of 1913.

(*5*) The Provincial Government may, by general or special order, exempt any private forest in a notified area from the payment of any cess imposed under sub-section (*1*) or of any portion of such cess for such period as may be specified in such order.

The West Bengal Private Forests Bill, 1948.

(Chapter. II—Conservation of Private Forests and Afforestation of Waste-lands.—Chapter III.—Rights in Forests. —Clauses 18—20.)

Release of vested forest to the owner.

18. (*1*) If the owner of a vested forest satisfies the Appellate Committee—

(*a*) at any time after the expiry of fifteen years from the date of the notification by which the control of such forest has been vested in a Regional Forest-officer, that—

(*i*) the control of such forest may be restored to him without undue risk of detriment to its conservation, and

(*ii*) the cost of its management as determined under the provisions of sub-section (*1*) of section 16 has been recovered in full, or

(*b*) at any time after the expiry of thirty years from the date of such notification, that the cost of management of such forest as determined under the provisions of that sub-section has been recovered,

the Appellate Committee shall by order direct that with effect from a date, to be specified in such order, the control of such forest shall cease to be vested in the Regional Forest-officer:

Provided that no such order shall be made in the case of any forest, whether any working plan in respect of such forest has been previously approved under section 4 or not, until—

(*a*) the Appellate Committee has by an order called upon the owner of such forest to prepare in the prescribed manner and to submit within such period as may be specified in such order to the Regional Forest-officer a working plan in respect of such forest, and

(*b*) a working plan has been approved in respect of such forest in accordance with the provisions referred to in sub-section (*2*):

Provided further that no such order shall be passed regarding a forest in respect of which there subsists an order passed under sub-section (*1*) of section 9, unless the owners of all the forests, in respect of which the order under the said sub-section was passed, have satisfied the Appellate Committee that there will be no undue risk of detriment to the conservation of any of such forests if the control of the said forest ceases to be vested in the Regional Forest-officer.

(*2*) When the owner of a forest has been required under the first proviso to sub-section (*1*) to prepare and submit a working plan in respect of such forest, the provisions of sections 3 and 4 shall apply to such working plan as if such owner has been required to prepare such working plan under sub-section (*1*) of section 3.

(*3*) The fact that the control of any forest has ceased to be vested in a Regional Forest-officer shall not operate to revive any right which may have been extinguished or modified by a proclamation under section 28.

CHAPTER III.

Rights in Forests.

Control and demarcation of vested forest.

19. When a notification has been published in respect of any forest under sub-section (*2*) of section 6 or under section 7 or under section 11, the control of such forest shall be vested in the Regional Forest-officer, who shall forthwith proceed to demarcate it.

Appointment of Forest Settlement-officer.

20. (*1*) A Forest Settlement-officer shall be appointed by the Provincial Government in respect of every forest of which the control is vested in a Regional Forest-officer by a notification under sub-section (*2*) of section 6 or under section 7 or under section 11, and may be appointed in respect of any controlled forest on the application made in this behalf to the Provincial Government by its owner.

(*2*) Such appointment shall be made by a notification specifying in such notification, as nearly as may be possible, the situation and limits of such forest.

The West Bengal Private Forests Bill, 1948.

(Chapter III.—Rights in Forests.—Clauses 21—25.)

Bar of accrual of rights.

21. After the issue of a notification under section 20, no right shall be acquired in or over the land comprised in such notification, except by succession or under grant or contract in writing made or entered into, with the previous sanction of the Provincial Government, by or on behalf of the owner or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose, and cutting, conversion or removal of timber or the collection, manufacture or removal of other forest-produce, shall be made in such land except in accordance with such rules, if any, as may be made by the Provincial Government in this behalf.

Proclamation by Forest Settlement-officer.

22. (*1*) The Forest Settlement-officer shall publish in the neighbourhood of the forest in respect of which he has been appointed, a proclamation in Bengali and, if any other language has been prescribed in this behalf for the local area in which such forest is situated, also in such other language—

(*a*) specifying, as nearly as possible, the situation and limits of such forest;

(*b*) explaining the measures proposed for, and the consequences which will ensue on, the conservation of such forest; and

(*c*) requiring every person who claims any right, other than a right of ownership, over such forest or over any forest-produce from such forest, to give to such Forest Settlement-officer, within a period of not less than three months to be stated in the proclamation, particulars, either in writing or by word of mouth, of such right and the amount and nature of the compensation, if any, claimed in respect thereof.

(*2*) The Forest Settlement-officer shall take down in writing all statements made by word of mouth under clause (*c*) of sub-section (*1*).

Inquiry by Forest Settlement-officer.

23. (*1*) The Forest Settlement-officer shall at some convenient place inquire into the existence of any rights which are claimed under clause (*c*) of sub-section (*1*) of section 22 or which may be ascertained by him from any other source.

(*2*) The Forest Settlement-officer shall give a hearing to the Regional Forest-officer or an officer authorised by such Regional Forest-officer in writing, in this behalf, to satisfy himself as to the necessity of modifying or extinguishing any right in the interests of the conservation of the forest.

Powers of Forest Settlement-officer.

24. For the purpose of such inquiry, the Forest Settlement-officer may exercise the following powers, that is to say:—

(*a*) power to enter, by himself or by any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and

(*b*) the powers of a Civil Court in the trial of suits.

Specification and modification of rights.

25. (*1*) After completion of the inquiry under section 23, the Forest Settlement-officer shall, by an order in writing—

(*a*) record the nature of the rights existing at the time of the notification under section 20, and

(*b*) direct the modification or extinction of any such right, other than a right of ownership, in the interests of the conservation of the forest.

(*2*) When the Forest Settlement-officer directs under clause (*b*) of sub-section (*1*) the modification or extinction of any right, he shall, unless the person whose rights are affected has come to an agreement as to the amount of compensation payable to him, determine what compensation shall be awarded to such person, and the amount of any compensation payable under this sub-section to any such person shall be paid in the prescribed manner, in the case where the forest to which such right relates is a controlled forest, by the owner of such forest, and in the case where such forest is a vested forest, by the Regional Forest-officer in whom the control of such forest is vested under this Act and every payment so made by the Regional Forest-officer shall be recouped from the profits of the vested forest to which such right relates as part of the cost of management of such forest.

The West Bengal Private Forests Bill, 1948.

(Chapter III.—Rights in Forests.—Chapter IV.—Penalties and Procedure.—Clauses 26—29.)

Appeals.

26. (*1*) An appeal may be presented against any order made under section 25 within ninety days from the date of such order to the Commissioner of the Division by an owner of a forest or by a Regional Forest-officer or by any person who has given particulars of his claims under sub-section (*1*) of section 22.

(*2*) Every such appeal shall be made by a petition in writing and shall be heard in accordance with the procedure for the time being applicable to the hearing of appeals in matters relating to land-revenue.

(*3*) The order of the Commissioner on such appeal shall, subject to the provisions of sub-section (*4*), be final.

(*4*) An application for revision shall lie to the Board of Revenue from an order of the Commissioner passed in appeal under this section if it is presented within thirty days from the date of such order.

Pleaders.

27. The Provincial Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement-officer, or any appellate or revisional authority in the course of any inquiry, appeal or revision under this Act or before any arbitrator appointed to determine any compensation payable under sub-section (*5*) of section 10.

Extinction of rights.

28. (*1*) When the time within which appeals against orders under section 25 may be made has expired and, when any such appeal has been made under section 26, the time within which applications for revision of any order passed in such appeal may be made has also expired and all applications for revision under sub-section (*4*) of section 26 have been disposed of, the Forest Settlement-officer shall issue another proclamation specifying the rights which may be exercised in respect of the forest regarding which any such order under section 25 has been made and also specifying the date with effect from which all rights in respect of such forest which are not specified in such proclamation shall be extinguished.

(*2*) A translation of such proclamation in Bengali and, if any other language has been prescribed in this behalf for the local area in which such forest is situated, also in such other language shall be published in the neighbourhood of such forest before the date so specified in such proclamation.

(*3*) With effect from the date so specified in such proclamation all rights in respect of such forest not specified in such proclamation shall be extinguished.

CHAPTER IV.

Penalties and Procedure.

Penalties for breach of rules.

29. (*1*) Any person who,—

(*a*) fells, girdles, lops, taps, or burns any tree in a controlled or vested forest or strips off the bark or leaves from or otherwise damages, any such tree,

(*b*) quarries any stone, or burns any lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest-produce from a controlled or vested forest.

(*c*) breaks up or clears for cultivation or any other purpose any land in a controlled or vested forest,

(*d*) sets fire to a controlled or vested forest, or kindles a fire without taking all reasonable precautions to prevent its spreading to any portion of such forest, or

(*e*) permits cattle to damage any tree in a controlled or vested forest,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(*2*) Any person contravening any rule made under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Imposition of collective fine on the inhabitants in certain cases

30. (*1*) If it is proved to the satisfaction of the District Magistrate that in any vested forest—

(*a*) any cattle have been permitted to trespass,

(*b*) any trees have been felled, girdled, lopped, tapped, burnt, or otherwise damaged,

(*c*) any other forest-produce has been burnt or removed, or

(*d*) any land has been broken up for any purpose,

otherwise than in the exercise of any right in or over such forest with intent to cause detriment to the conservation of such forest, and if the District Magistrate is satisfied after enquiry that the inhabitants of any local area are concerned in the commission of any such offences or are in any way assisting persons in committing such offences, the District Magistrate may, by order in writing in which shall be specified the reasons for making such order, impose on the inhabitants of such area a collective fine which may extend to five hundred rupees or three times the value estimated by him of any forest-produce damaged, whichever is greater, and may, after such further enquiry, as he deems necessary, apportion such fine amongst such inhabitants and such apportionment shall be made according to the respective means of such inhabitants.

(*2*) Every order imposing a collective fine under sub-section (*1*) shall be forthwith published in the local area in such manner as the District Magistrate considers best calculated to bring the order to the notice of the inhabitants of the area concerned.

(*3*) The District Magistrate may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(*4*) The portion of such fine payable by any person may be recovered from him as a fine or as a public demand under the Bengal Public Demands Recovery Act, 1913.

Ben. Act III of 1913.

(*5*) Every apportionment of collective fine made under sub-section (*1*) shall be subject to revision by the Commissioner of the Division on application made in that behalf to him by any person affected by such apportionment within thirty days from the date on which such apportionment is made and the decision of the Commissioner thereon shall be final.

Nothing in sub section (*1*) of section 29 to prohibit acts done in certain cases.

31. No act shall be an offence for the purposes of sub-section (*1*) of section 29 if it is done—

(*a*) in the exercise of any right in or over such forest, or

(*b*) in respect of a vested forest, with the permission in writing of a Forest-officer, or

(*c*) in respect of a controlled forest, with the permission in writing of the owner thereof or of his authorised agent, or

(*d*) in accordance with rules made under this Act.

Seizure of property liable to confiscation

32. (*1*) When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce together with all tools, boats, motor vehicles, carts or cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer.

(*2*) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Power to release property seized under section 32.

33. Any Forest-officer of a rank not inferior to that of a Ranger, or any Police-officer of a rank not inferior to that of a Sub-Inspector, who, or whose subordinate, has seized any tools, boats, motor vehicles, carts or cattle under section 32, may release the same on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

The West Bengal Private Forests Bill, 1948.

(Chapter IV.—Penalties and Procedure.—Clauses 34—38.)

Information to the Magistrate and procedure thereupon.

34. The Regional Forest-officer may cause information to be given to a Magistrate regarding any forest-offence which he has reason to believe to have been committed in respect of any forest-produce; and upon receipt of any such information, the Magistrate shall, with all convenient despatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

Notice to claimants of seized forest-produce.

35. (*1*) If a Regional Forest-officer has not caused information to be given to a Magistrate under section 34 in respect of any forest-produce seized under sub-section (*1*) of section 32, he shall, if there is any doubt as to the person who is entitled to such produce, cause a notice to be published in such manner as may be prescribed containing a description of such produce and requiring any person who may claim the same to present a written statement of his claim to him within such period as may be specified in such notice.

(*2*) If only one such statement of claim is presented in respect of any such forest-produce, the Regional Forest-officer shall, after making such inquiry as he thinks fit and recording his reasons in writing, either reject the claim or deliver the produce to the claimant.

(*3*) If more than one such statement of claim is presented, the Regional Forest-officer may, after making such inquiry as he thinks fit and after recording his reasons in writing, either deliver the forest-produce to such of the persons as he considers to be entitled thereto or refer the claimants to the Civil Court and retain such produce pending receipt of an order from the Civil Court for its disposal.

(*4*) Any person whose claim has been rejected under this section may, within three months from the date of rejection of such claim, institute a suit to recover possession of the forest-produce claimed by him; but no person shall be entitled to recover any compensation or costs against the Provincial Government, or against any Forest-officer, on account of rejection of such claim, or on account of the detention or removal of any forest-produce, or the delivery thereof to any other person under this section.

(*5*) No such forest-produce shall be subject to any process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been instituted as provided in this section.

Disposal of unclaimed forest-produce.

36. If no statement of claim is presented in respect of any such forest-produce after a notice has been published under sub-section (*1*) of section 35, or if a person whose claim has been rejected under that section omits to institute a suit under sub-section (*1*) thereof, the ownership of such forest-produce shall vest in the Provincial Government free from all encumbrances, or, when such forest-produce has been delivered to any person under sub-section (*3*) of that section, in such person free from all encumbrances not created by such person.

Disposal of seized property after information has been given under section 34.

37. (*1*) Any forest-produce in respect of which a forest-offence has been committed and information has been given to a Magistrate under section 34 shall, on the conclusion of the trial for such offence, be made over to the owner of the forest from which it was derived or to any other person whom the Magistrate deems to be entitled to the same:

Provided that, if it is not known from which forest such produce was derived, such forest-produce and all tools, boats, motor vehicles, carts and cattle used in committing such forest-offence shall be liable to confiscation.

(*2*) Such confiscation may be in addition to any other punishment which may be awarded under this Act for such offence.

Disposal of confiscated property on conclusion of trial.

38. When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it has been confiscated, be taken charge of by a Forest-officer.

The West Bengal Private Forests Bill, 1948.

(Chapter IV.—Penalties and Procedure.—Clauses 39—46.)

Procedure when offender cannot be found.

39. When the offender cannot be found, the Magistrate may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Regional Forest-officer, or to be made over to the person whom the Magistrate deems to be entitled to the same:

Provided that no such order shall be made until the expiry of one month from the date of seizing such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

Procedure as to perishable property seized under section 32.

40. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 32 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

Appeal from orders under section 37 or section 39.

41. The officer who made the seizure under section 32, or any of his official superiors, or any person claiming to be interested in the property so seized, may, within one month from the date of any order passed by the Magistrate under section 37 or section 39, appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

Property when to vest in Government.

42. When an order for the confiscation of any property has been passed under section 37 or section 39, as the case may be, and the period limited by section 41 for an appeal from such order has expired, and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Provincial Government free from all encumbrances.

Saving of power to release property seized.

43. Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the Provincial Government from directing at any time the immediate release of any property seized under section 32.

Punishment for wrongful seizure.

44. Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks.

45. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code— Act XLV of 1860.

(*a*) knowingly counterfeits upon any timber or standing tree in a controlled or vested forest a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person, or

(*b*) alters, defaces or obliterates any such mark placed on a tree or on timber in a controlled or vested forest by or under the authority of a Forest-officer, or

(*c*) alters, moves, destroys or defaces any boundary mark of any forest or waste-land to which the provisions of this Act apply or are applied,

shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Power to arrest without warrant.

46. (*1*) Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards under this Act.

(*2*) Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case or to the officer-in-charge of the nearest police-station.

Power to release on a bond a person arrested.

47. Any Forest-officer of a rank not inferior to that of a Ranger, who, or whose subordinate, has arrested any person under the provisions of section 46, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case or before the officer-in-charge of the nearest police-station.

Power to prevent commission of offence.

48. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Power to try offences summarily.

49. The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the Provincial Government may try summarily, under the Code of Criminal Procedure, 1898, any forest-offence punishable with imprisonment for a term not exceeding six months, or with fine not exceeding five hundred rupees, or with both. Act V of 1898.

Power of Court to order payment of rewards out of fine.

50. Whenever a Court imposes a fine under this Act or confirms in appeal under this Act a sentence of fine or a sentence of which fine forms a part, for a forest-offence other than an offence specified in sub-section (*1*) of section 6 or section 44, the Court may, when passing judgment, order any portion of the fine recovered to be paid to the person whose information led to the detection of the offence.

Power to compound offences.

51. (*1*) The Provincial Government may, by notification, empower a Forest-officer—

(*a*) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in sub-section (*1*) of section 6, section 44 or section 45, a sum of money, not exceeding fifty rupees, by way of compensation for the offence which such person is suspected to have committed; and

(*b*) when any property of such person has been seized, to release the same.

(*2*) On the payment of such sum of money to such officer, the suspected person, if in custody, shall be discharged, the property, if any, of such person seized shall be released, and no further proceedings shall be taken against such person or property.

(*3*) If the forest-offence has been committed in respect of a controlled forest, the amount of any compensation paid to a Forest-officer empowered under sub-section (*1*) to accept such compensation, or such part of such amount as the Forest-officer deems equitable in the circumstances, may, at the discretion of the Forest-officer, be paid to the owner of the controlled forest; but the amount of any compensation not so paid to the owner of a controlled forest and the amount of any compensation paid to such a Forest-officer if the forest-offence has been committed in respect of a vested forest shall be paid into the revenues of the Province.

(*4*) A Forest-officer shall not be empowered under this section unless he is a Forest-officer of a rank not inferior to that of a Ranger.

Onus of proof.

52. Notwithstanding anything contained in any other Act, when in any area in respect of which the Provincial Government has made rules under clause (*b*) of sub-section (*2*) of section 41 of the Indian Forest Act, 1927, any person is found to be moving forest-produce without a pass from an officer duly authorised to issue the same, the burden of proof that such person has not committed an offence under this Act in respect of such forest-produce shall lie on him. XVI of 1927.

CHAPTER V.

Regional Forest-officers.

Provincial Government may invest Regional Forest-officers with certain powers.

53. (*1*) The Provincial Government may invest any Regional Forest-officer with all or any of the following powers, that is to say:—

(*a*) power to enter upon any land, or to authorise any officer to enter thereon with servants and workmen, and to survey, demarcate and make a map of the same;

(*b*) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects;

(*c*) power to issue a search-warrant under the Code of Criminal Procedure, 1898; and Act V of 1898.

(*d*) power to hold an enquiry into forest-offences, and, in the course of such enquiry, to receive and record evidence.

(2) Any evidence recorded under clause (*d*) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate, provided that it has been taken in the presence of the accused person.

Power of officers.

54. It shall be lawful for any officer authorised either generally or specially in this behalf by the Regional Forest-officer to enter with his subordinates and servants and workmen at any time upon any part of a controlled forest for the purpose of ascertaining whether there has been any violation of an approved working plan and to do any other acts which are in his opinion necessary for carrying out the purposes of this Act.

Forest-officers deemed public servants.

55. All Forest-officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Act XLV of 1860.

Indemnity for acts done in good faith.

56. No suit shall lie against any public servant for anything done by him in good faith under this Act.

CHAPTER VI.

Rules.

Power to make rules.

57. (1) The Provincial Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Provincial Government may make rules to provide for all or any of the following matters, namely:—

(*a*) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce from controlled or vested forests in notified areas;

(*b*) the granting of licenses to the inhabitants of towns and villages in the vicinity of controlled or vested forests to take trees, timber or other forest-produce for their own use, and the production and return of such licenses by such persons;

(*c*) the granting of licenses to persons for selling or removing trees or timber or other forest-produce from controlled or vested forests for the purposes of trade, and the production and return of such licenses by such persons;

(*d*) the payments, if any, to be made by the persons mentioned in clauses (*b*) and (*c*) for permission to cut such trees, or to collect and remove such timber or other forest-produce;

(*e*) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made;

(*f*) the examination of forest-produce passing out of controlled or vested forests in notified areas;

(*g*) the clearing and breaking up of land for cultivation or other purposes in controlled or vested forests in notified areas;

(*h*) the protection from fire of timber lying in controlled or vested forests in notified areas;

The West Bengal Private Forests Bill, 1948.

(Chapter VI.—Rules.—Clause 57.)

(*i*) the cutting of grass and pasturing of cattle in controlled or vested forests in notified areas;

(*j*) hunting, shooting, fishing, poisoning water and setting traps or snares in controlled or vested forests, and the killing or catching of elephants in such forests in areas in which the Elephants' Preservation Act, 1879, is not in force; VI of 1879.

(*k*) the powers and duties of Forest-officers under this Act;

(*l*) the procedure of an Appellate Committee referred to in clause (*l*) of section 2 and the manner in which an owner of a private forest shall be selected as a member of such Appellate Committee;

(*m*) the procedure of a Board appointed to perform the functions of a Forest Settlement-officer referred to in clause (*g*) of section 2;

(*n*) the manner in which the working plan referred to in sub-section (*1*) of section 3 shall be prepared, the consultation referred to in sub-sections (*2*) and (*3*) of that section shall be made and the copy of the order referred to in sub-section (*4*) of that section shall be served;

(*o*) the manner in which the approved working plan shall be sent under sub-section (*2*) of section 4 and the consultation referred to in sub-section (*3*) of that section shall be made;

(*p*) the grant of loans referred to in sub-section (*1*) of section 8, the manner of making applications for such loans under sub-section (*2*) of that section, the manner in which such applications shall be considered and the recovery of such loans and the interest and costs in respect thereof under sub-section (*4*) of that section;

(*q*) the manner in which the consultation referred to in sub-sections (*1*) and (*2*) of section 9 shall be made and copies of the orders passed under the said sub-sections shall be served;

(*r*) the manner in which the copy of a notification issued under sub-section (*1*) of section 10 shall be served under sub-section (*2*) of that section, the determination by the Forest Settlement-officer of the matters specified in clause (*c*) of sub-section (*4*) of that section, the determination of compensation referred to in sub-section (*5*) of that section, the maximum amount of an award against which no appeal shall lie under clause (*c*) of that sub-section, the manner of payment of compensation under sub-section (*6*) of that section, and the manner in which the consultation referred to in sub-section (*9*) of that section shall be made, a copy of the order referred to in that sub-section shall be served and the working plan referred to in that sub-section shall be prepared;

(*s*) the apportionment of rent referred to in clause (*i*) of sub-section (*1*) of section 12;

(*t*) the manner in which the cost of management referred to in sub-section (*1*) of section 16 and the respective shares of the owners of a vested forest and the net profits in respect of such forest referred to in sub-section (*5*) of that section shall be determined or calculated and the copy of the statement referred to in sub-section (*6*) of that section shall be served;

(*u*) the manner in which the cess referred to in sub-section (*1*) of section 17 may be imposed and the costs and expenses referred to in sub-section (*2*) of that section shall be determined;

(*v*) the manner in which the working plan referred to in clause (*a*) of the first proviso to sub-secton (*1*) of section 18 shall be prepared;

(*u*) the clearing of land for cultivation or for any other purpose and the cutting, conversion and the removal of timber and the collection, manufacture and removal of other forest-produce referred to in section 21;

(*x*) the language other than Bengali referred to in sub-section (*1*) of section 22 and in sub-section (*2*) of section 28;

(*y*) the manner in which the compensation referred to in sub-section (*2*) of section 25 shall be paid;

(*z*) the manner in which the notice referred to in sub-section (*1*) of section 35 shall be published;

(*zz*) the manner in which the forest-produce referred to in sub-section (*3*) of section 60 shall be sold; and

(*zzz*) the manner of service of notices issued under this Act.

(*3*) In making any rule under this section the Provincial Government may provide that a contravention thereof shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Application of rules made under sections 41 and 42 of the Indian Forest Act, 1927, to transit of forest-produce from private forests

58. All rules made by the Provincial Government to regulate the transit of timber and other forest-produce under sections 41 and 42 of the Indian Forest Act, 1927, for the time being in force, shall apply so far as may be to the transit of all timber and other forest-produce from any private forest to which any of the provisions of this Act apply. **XVI of 1927.**

CHAPTER VII.

MISCELLANEOUS.

Conservation of forest or afforestation of land at the request of owners.

59. Notwithstanding anything elsewhere contained in this Act, the Provincial Government may, on application made in this behalf in writing by the owner of any private forest or of any waste-land referred to in sub-section (*1*) of section 11 or, if there be more than one owner thereof, by the owners of shares therein amounting in the aggregate to at least one-half thereof, to the Collector of the district in which such forest or land is situated, by a notification, apply the provisions of this Act applicable to vested forests, subject to such restrictions or conditions as may have been determined by an agreement between the said Collector and such person or persons, to such forest or land and thereupon such forest or land shall be managed on behalf of such owner or owners as a vested forest in accordance with such provisions by a Regional Forest-officer specified in this behalf by the Provincial Government.

Recovery of money due to Regional Forest-officer and lien on forest-produce for such money.

60. (*1*) All money payable to a Regional Forest-officer under this Act or under any rule made under this Act, other than money payable in respect of the cost of management of a vested forest, and all money payable to such officer on account of the price of any forest-produce or on account of expenses incurred in the execution of this Act in respect of such produce shall, if not paid when due, be recoverable as a public demand under the Bengal Public Demands Recovery Act, 1913. **Ben. Act III of 1913.**

(*2*) When any such money is payable for or in respect of any forest-produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Regional Forest-officer until such amount has been paid.

(*3*) If such amount is not paid when due, the Regional Forest-officer may sell such produce in the prescribed manner, and after payment of the costs of the sale the proceeds thereof shall be applied first in discharging such amount.

(*4*) The surplus, if any, if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to the Crown.

Land required under this Act to be deemed to be needed for a public purpose under the Land Aquisition Act, 1894.

61. Whenever it appears to the Provincial Government that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of section 4 of the Land Acquisition Act, 1894. I of 1894.

Powers of the Regional Forest-officer and control of the Provincial Government.

62. Subject to the provisions of this Act and to any rules made thereunder every Regional Forest-officer—

(*a*) may do all such things requisite for the proper management of the forest the control of which has been vested in him under this Act as the owner of such forest might do for its management, and

(*b*) shall in the exercise of his powers and in the performance of his duties in relation to such forest be guided by such orders and instructions as may, from time to time, be issued in this behalf by the Provincial Government.

Repeal and savings.

63. (*1*) Sections 35, 36, 37 and 38 of the Indian Forest Act, 1927, in their application to West Bengal are hereby repealed. XVI of 1927.

(*2*) Such repeal shall not affect anything done or suffered or any obligation or liability accrued or any penalty incurred or any proceedings commenced before the commencement of this Act.

(*3*) Any private forest or waste-land held under the control of a Forest-officer under section 36 of the Indian Forest Act, 1927, immediately before the commencement of this Act shall, on such commencement, notwithstanding the repeal of the said section, continue to be so held under the control of a Regional Forest-officer under the provisions of this Act applicable to a vested forest and shall be deemed to be a vested forest for the purposes of this Act.

(*4*) All lands which immediately before the commencement of this Act were being managed as a reserved or a protected forest under the provisions of section 38 of the Indian Forest Act, 1927, shall, on such commencement, notwithstanding the repeal of the said section, continue to be managed under the provisions of section 59 of this Act as a vested forest subject to such terms as may have been mutually agreed upon between the owner or owners of such lands and the Collector, and the application made under sub-section (*1*) of the said section 38 by the owner or owners of any such land shall be deemed to be an application made under the said section 59.

Repeal of Ben. Act XI of 1945 in its application to West Bengal.

64. The Bengal Private Forests Act, 1945 in its application to West Bengal is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

Indiscriminate denudation of forests by tenants and private owners in West Bengal has resulted in soil erosion on a considerable scale making large tracts of land bare and unproductive. The gradual disappearance of forests has also rendered certain parts of the Province more liable to floods and drought and has seriously affected the supply of timber and fire-wood for local consumption. To cope with this alarming situation, safeguard the larger interests of the community and confer at the same time permanent benefit on private owners by providing for the conservation and improvement of their forests and the afforestation of waste lands, the Bengal Private Forests Act, 1945, was enacted as a Governor's Act in exercise of the powers assumed by the Governor by Proclamation issued under section 93 of the Government of India Act, 1935.

The Governor's Proclamation under section 93 of the Government of India Act, 1935, having been revoked on the 24th April, 1946, the Bengal Private Forests Act, 1945, will cease to have effect on the expiry of two years from the date of revocation unless sooner repealed or re-enacted by an Act of the Legislature. The circumstances which necessitated the passing of the Governor's Act still persist and it is therefore proposed to re-enact all the provisions of the Governor's Act.

HEM CHANDRA NASKAR,
Member-in-charge.

CALCUTTA:
The 10th January, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

EPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

NOTIFICATIONS.

No. L.S.-G.-1M/7/48.— 15th January 1948.— is hereby notified under section 50 of the Bengal unicipal Act, 1932 (Bengal Act XV of 1932), at the following gentlemen have been duly cted as Commissioners of the Budge-Budge unicipality, in the district of the 24-Parganas:—

Ward No. I.

Sri Kshetra Gopal Ghose, L.M.F.

Ward No. II.

Sri Ram Chandra Awasthy.

Ward No. III.

Sri Sudhir Kumar Pramanik.

Ward No. IV.

Sri Surendra Nath Mondal.
Sri Upendra Nath Mondal.
Maulvi Tariff Mahammad Khan (Reserved seat).

Ward No. V.

Sri Bhupati Charan Pramanik.
Sri Kamala Kanta Das.

Special Ward Nos. I and III.

Maulvi Mahammad Yusuf Sanfui.

Special Ward Nos. II and V.

Shaik Golam Rasul.

No. L.S.-G.-1669/47/1M.—15th January 1948. It is hereby notified under section 50 of the ngal Municipal Act, 1932 (Bengal Act XV of 32), that the following gentlemen have been ly elected as Commissioners of the North rackpore Municipality, in the district of the -Parganas, at the general election held on the th November 1947:—

Ward No. I.

Sri Madhusudan Bhattacharyya.

Ward No. II.

Dr. Anil Kumar Bhattacharyya, M.B.

Ward No. III.

Sri Sanyas Ch. Paul, M.Sc.
Sri Surendra Nath Hazra, B.Com.

Ward No. IV.

Sri Gosto Behary Mandal.

Ward No. V.

Dr. Gopini Mohan Ghosh, M.B.

Ward No. VI.

Dr. Charu Chandra Karkoon, L.M.F.

Ward No. VII.

Mr. Nurul Hossain, M.A.

Ward No. VIII.

Sri Bhudhar Chandra Bhattacharya, M.A.

Ward No. IX.

Sri Radha Gobindo Halder.

Ward Nos. I to V.

Mr. Shaik Ahammad Ali (Reserved seat).

Ward Nos. VI to IX

Mr. Mohammad Hanif (Reserved seat).

No. L.S.-G.-670/47/1M.—15th January 1948. — It is hereby notified under section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), that the following gentlemen have been duly elected as Commissioners of the Gobardanga Municipality, in the district of the 24-Parganas: —

Ward No. I.

Sri Uma Prasanna Mukherjee, B.Sc.

Ward No. II.

Sri Birendra Nath Kundu.

Ward No. III.

Sri Kali Charan Das.

Ward No. IV.

Sri Panch Kari Choudhury.

Ward No. V.

Sri Nikunja Lall Bal.

Ward No. VI.

Sri Kalinath Chatterjee.

Special Ward (Muhammadan).

Munshi Patu Mondal.

No. L.S.-G.-1M/6/48.—15th January 1948.—It is hereby notified under section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), that the following gentlemen have been duly elected as Commissioners of the Taki Municipality, in the district of the 24-Parganas, at the general election held on the 3rd January 1948:—

Ward No. I.

Sri Pratip Chandra Ghosh, B.A
Sri Nripendra Nath Das.

Ward No. II.

Sri Susil Kumar Ghosh.
Sri Kesab Chandra Rai Chaudhuri.

Ward No. III.

Sri Nemaidas Ray Chaudhury.

Ward No. IV.

Sri Surendra Nath Dutt.

Ward No. V.

Sri Jyotish Chandra Sarkar

Ward No. VI.

Sri Anadi Prosad Bandopadhaya, M.A.

Ward Nos. I, III and IV.

Maulvi Ruhul Kuddus (Reserved seat).

Ward Nos. II, V and VI.

Maulvi Muhammed Abul Kasem (Reserve seat).

By order of the Governor,
S. K. GUPTA,
Secy. to the Govt. of West Bengal

ORDERS BY COMMISSIONERS OF DIVISIONS

Presidency Division—Calcutta

It is hereby notified for general information:—

No. and date of notification assigned by issuing authority	Board to which appointed or elected with police-station, subdivision and district	Name	Section of law and particulars of Government order by which power is delegated to issuing authority.	Name of authority and designation
		Election to Union Board.		
No. 24/48-1 V.S.-G., dated 8th January 1948	Rannagore union board police-station Baruipur, Sadar subdivision, district 24 Parganas	Ward No. I—Babu Jyotish Chandra Sardar, Babu Sailendra Nath Mitra and Babu Ajit Chandra Chatterjee Ward No. II—Maulvi Abdul Hakim, Maulvi Ishaque Naskar and Maulvi Foyzaddi Mondal. Ward No. III—Babu Indu Sekhar Bandopadhya, Babu Arun Mondal and Babu Kedar Nath Daloi.	Sub-section (2) of section 6 of the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919).	N. C. Chatterjee, Additional District Magistrate, 24 Parganas.
		Election to Union Board.		
No. 24/48-2 V.S.-G., dated 8th January 1948	Dakshin Barasat union board, police station Joynagore, Sadar subdivision, district 24-Parganas	Ward No. I—Babu Sushil Krishna Bose, Babu Prafulla Kumar Das and Babu Guru Prosad Ray Choudhury Ward No. II—Maulvi Abdus Sattar, Maulvi Jatu Ali and Babu Santosh Kumar Mistri Ward No. III—Babu Dhirendra Nath Mandal, Babu Dhirendra Nath Sarker and Maulvi Ajid Ali Mallick.	Sub-section (2) of section 6 of the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919).	N. C. Chatterjee, Additional District Magistrate, 24 Parganas.
		Election to Union Board.		
No. 24/48-1 V.S.-G., dated 8th January 1948.	Meragunge union board, Joynagore police-station, Sadar subdivision district 24-Parganas	Ward No. I—Maulvi Elahi Bux Gharami Maulvi Hemeddin Shaik Md Ebrahim and Md. Abdul Rahaman Mandal Ward No. II—Babu Atul Krishna Taraidar, Babu Bankim Chandra Halder and Maulvi Chayem Ali Mandal. Ward No. III—Babu Adhar Chandra Mandal and Babu Aswini Kumar Naskar.	Sub-section (2) of section 6 of the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919).	N. C. Chatterjee, Additional District Magistrate, 24 Parganas.

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Public Health.

NOTIFICATIONS.

Hooghly - Howrah - 24-Parganas - Nabadwip.—No. P.H.2R-5/48(1).—20th January 1948.—Whereas the Governor is satisfied that the municipalities of Hooghly-Chinsurah, Bansberia, Serampore, Bandyabati, Champdany, Bhadreswar, Rishra, Konnagar, Kotrang, Uttarpara, Arambagh, Howrah, Bally, Kanchrapara, Halisahar, Naihati, Bhatpara, Garulia, North Barrackpore, Barrackpore, Titagarh, Khardah, Panihati, Kamarhati, Baranagar, North Dum Dum, South Dum Dum, Dum Dum, Tollygunge, South Suburban, Budge Budge, Rajpore, Baruipore, Jaynagar-Majilpore, Garden Reach, Baraset, Gobardanga, Baduria, Basirhat, Taki, Krishnagar, Nabadwip, Santipur, Ranaghat, Birnagar and Chakdah respectively, are threatened with an outbreak of small-pox;

Now, therefore, in exercise of the power conferred by section 2 of the Epidemic Diseases Act, 1897 (Act III of 1897), the Governor is pleased to prescribe the following temporary regulations for the prevention and control of small-pox, and for the medical inspection, isolation, observation and surveillance of persons suffering from, or suspected of being infected with, small-pox in the said municipalities:—

Temporary regulations for the prevention and control of small-pox.

1. In these regulations, unless there is anything repugnant in the subject or context:—

(*a*) "Health Officer" means the Health Officer of the municipality;

(*b*) "Sanitary Inspector" means a Sanitary Inspector appointed by the municipality;

(*c*) "Small-pox" means any disease accompanied by an eruption of vesicles or postules;

(*d*) "Patient" means a person suffering from or suspected to be suffering from small-pox;

(*e*) "Medical practitioner" means any person practising the medical profession.

Notices.

2. If in any case the Health Officer or a Sanitary Inspector considers that the issue of a notice under regulation 20 is likely to lead such an amount of delay as might facilitate the spread of small-pox, he may forthwith take such steps as he may think fit for carrying out the work, and shall thereafter, as soon as possible, issue a notice to the person concerned stating the reason why such work has been carried out.

3. If any measure which the Health Officer or a Sanitary Inspector has, by a notice issued under regulation 20, required to be carried out, be not carried out to his satisfaction within the time stated in the notice the Health Officer or a Sanitary Inspector shall be entitled to carry out the measure.

Cost and compensation.

4. (*1*) All expenses incurred in carrying out any work in pursuance of an order issued under these regulations shall be paid by the municipality except in any case where the order directs a person to carry out any work in relation to property in his possession, in which case the expenses shall be paid by such person:

Provided that where the conditions, which led the Health Officer or a Sanitary Inspector to pass such an order, are not attributable to any act or default of the person in possession of the property, the municipality may pay to such person the whole or a part of the expenses incurred by him in carrying out the order.

(*2*) The municipality may recover all expenses incurred by the Health Officer or a Sanitary Inspector in carrying out the measure under regulation 3 from the person or persons to whom the notice was originally issued.

5. The municipality shall pay adequate compensation to any person who has sustained substantial loss or damage by reason of anything done under these regulations:

Provided that no person shall receive any compensation for anything done or suffered under these regulations, if he has failed to carry out an order, issued under these regulations within the time specified in the order and to the satisfaction of the Health Officer or a Sanitary Inspector.

Location of disease.

6. When a case of small-pox occurs in a house, the nearest male relative in attendance upon the patient, or in the absence of any such relative the occupier of the house, or if the occupier be the patient, the senior male inmate of the house other than patient of the house shall within twenty-four hours of the onset of the disease, give information regarding the occurrence of such case either personally or in writing to the nearest Sanitary Inspector. When the inmates of the house are all females the medical attendant or the senior male inmate of the nearest house shall give the required information.

7. (*1*) Every medical practitioner called in to attend upon any case of small-pox shall forthwith give notice of the case by a special messenger to the Health Officer or a Sanitary Inspector and the cost of such messenger in each case shall be defrayed by the municipality.

(2) The doctor-in-charge of a hospital or a dispensary within the municipality shall forthwith give notice of any case of small-pox brought to such hospital or dispensary for treatment to a Sanitary Inspector or to the Health Officer by a special messenger and the cost of such messenger in each case shall be defrayed by the municipality.

8. Registrars of births and deaths shall supply to the Health Officer or a Sanitary Inspector such periodical returns of cases of small-pox as he may from time to time call upon them to furnish.

9. The Health Officer or a Sanitary Inspector may examine any person who is or suspected to be, suffering from small-pox or who, in his opinion, may be infected with or likely to spread small-pox.

Isolation of patients.

10. When the Health Officer or a Sanitary Inspector considers that the isolation of any patient is a precaution necessary for the protection of the neighbouring population, he shall order the patient to observe isolation and may order the nearest relative in attendance on the patient, or the occupier of the house in which the patient is staying to arrange for the isolation of the patient in such a manner and for such a time as may be approved by the Health Officer or a Sanitary Inspector.

He shall not direct the patient to be removed from the house unless it is, in his opinion, impossible to make proper arrangements for his isolation therein.

11. The Health Officer or a Sanitary Inspector may order that any person, who has been in contact with a person found to be suffering from small-pox shall be segregated for a period not exceeding a fortnight in a manner and in a place to be approved by the Health Officer or a Sanitary Inspector.

12. The Health Officer or a Sanitary Inspector may order that any person who has been in contact with a person found to be suffering from small-pox shall be vaccinated or re-vaccinated within a time to be specified in the order.

13. No person shall enter any place wherein a patient is isolated under regulation 10 without the permission of the Health Officer or a Sanitary Inspector.

14. When a patient has been removed from a house for isolation under regulation 10, the municipality shall provide for him free of charge a suitable place, with necessary attendants, diet, etc.

15. No person, who is or has been suffering from small-pox, shall leave the place where he has been staying until he has received from the Health Officer or a Sanitary Inspector written permission to do so.

16. No person while suffering from evident symptoms of small-pox or in the convalescent state of the disease with scabs of pocks on his body shall expose himself in any street, road, public place, shop, bazar or any place used in common by persons other than members of the family or household to which such infected person belongs or shall move from place to place unless he is proceeding to a hospital for admission and treatment.

17. The Health Officer or a Sanitary Inspector may, during the prevalence of any outbreak of small-pox, order that any bazar, shop or other public place shall remain closed for such time may appear to him to be necessary and may forb the holding of any fair, mela or other gatheri to which people from several villages commonly periodically resort.

Miscellaneous.

18. The Health Officer or a Sanitary Inspect may require any person to allow to be carried c by such agency and within such time as may specified in the order, such measures for the d infection of any premises in the occupation such person or for the disinfection or destructi of any of his personal effects, as the said officer inspector may consider necessary.

19. The Health Officer or a Sanitary Inspect may direct the owner or occupier of any premi to take steps to have vaccinated or re-vaccinat within a time to be specified in the order a person residing on such premises and under t control of such owner or occupier if the Heal Officer or a Sanitary Inspector is of opinion th such person has been in contact with any o suffering from small-pox.

20. The Health Officer or a Sanitary Inspect may forbid any person who has been a patient who has to his knowledge been in contact with patient to act as vendor of any article for su period as may be specified in the order.

21. No person shall sell any article which h been in contact with a patient until it has be disinfected to the satisfaction of the Heal Officer or a Sanitary Inspector.

22. The Health Officer or a Sanitary Inspect may issue general orders that by a specified da certain sanitary precautions of a simple natur such as lime-washing of house, clearing latrines or the removal of filth or rubbish shall carried out to his satisfaction.

23. The Health Officer or a Sanitary Inspect may prohibit persons from retaining or sellin clothes taken from the bodies of persons who ha died of small-pox and may cause any such cloth to be destroyed.

24. No person shall carry or permit to carried in a public conveyance a patient exce in the case where a patient is carried with prop precautions to a hospital.

25. No person shall expose in any street, sho bazar or any public place any clothing, beddin or other article which has been in contact with patient or shall cause or suffer such article to b carried in any public conveyance, but nothing i this regulation shall apply to a person wh transmits with proper precautions against spread ing the disease any such article for the purpos of having the same disinfected.

26. No person shall carry or permit to b carried in a public conveyance the dead body o any person who has died of small-pox without th previous written permission of the Health Officer or the Sanitary Inspector, and without takin proper precautions against spreading the sai disease.

27. No person shall, without the writte permission of the Health Officer or a Sanitar Inspector, dispose of any corpse except by burnin or burial.

28. The Health Officer or a Sanitary Inspector may approve burning or burial grounds and may by order direct either generally or specially in respect to any specified area, that corpses shall not be burned or buried at places other than those so approved by him.

29. Any person burning or causing to be burnt any corpse shall cause the same to be completely reduced to ashes, and shall likewise cause the clothes or other articles brought with such corpse to be reduced to ashes.

30. The Health Officer or a Sanitary Inspector ay direct that no person shall bury or cause to buried any corpse, which in the opinion of the ealth Officer, is likely to spread small-pox, in grave, not constructed of a masonry of less than feet deep.

31. The Health Officer or a Sanitary Inspector ay order that no *dome* or other servant of the unicipality employed for the disposal of corpses all withdraw from his duties without the rmission of the Health Officer or a Sanitary spector unless such *dome* or other servant of the unicipality has been given notice in writing not s than one month previously of his intention so withdraw.

32. The Health Officer or a Sanitary Inspector ay through any person authorised by such officer inspector in that behalf seize and dispose of y corpse which in the opinion of the said officer inspector is infected with or is likely to spread all-pox, unless the relatives or friends of the ceased person satisfy him that they are prepared d able to dispose of the corpse in a manner ich will prevent the spread of small-pox.

33. (*1*) The Health Officer or a Sanitary spector may require any person who appears to acquainted with facts in connection with any se or suspected case of small-pox to attend fore him at a time to be stated in the order and any place not more than one mile from the ace where such person resides or is staying hen the order is issued, and such person shall pear as so required.

(*2*) When the person summoned to appear der paragraph (*1*) is a female who, by the stom of the country, does not appear in public, itable precaution shall be taken to respect the id custom.

34. (*1*) The Health Officer or a Sanitary spector may examine orally any person who pears to be acquainted with the facts and rcumstances of a case or suspected case of small-x.

(*2*) When the person to be examined under ragraph (*1*) is a female who, by the custom of e country, does not appear in public, the officer all take her statement under such conditions as all admit of due respect to the said custom.

(*3*) Such person shall be bound to answer all estions relating to such case put to him or her such officer, other than questions the answers which would have a tendency to expose him or er to any criminal charge.

35. The Health Officer or a Sanitary Inspector ay, with such assistant (if any) as he thinks fit, ter upon any land, or after two hours' notice in riting, into any premises or building used for man habitation at any time between sunrise d sunset for the purpose of carrying out any easure or making any enquiries authorised by ese regulations.

36. The crew of any inland steam vessel or t which plies in any canal or river and other sons residing on such vessel or boat shall be ject to these regulations.

7. (*1*) All vaccinations under these regula-s shall be performed gratuitously provided be done (*a*) at such public vaccination stations may be opened by the municipality or (*b*) by se to house visits in the case of such females re by the custom of the country unable to attend public vaccination stations and are too poor to fees.

(*2*) Persons desirous of being vaccinated in their houses other than those specially exempted der sub-regulation (*1*) shall pay a fee of annas for each vaccination for which they shall a printed receipt: provided that the total unt of fees payable for any number of opera-s performed in one family at the same house at the same time shall not exceed annas eight:

Provided also the Municipal Commissioners at a meeting may, by a resolution, direct vaccination of persons in their own houses to be carried out free of charges.

38. (*i*) Orders issued by the Health Officer or a Sanitary Inspector under these regulations shall be in writing.

(*ii*) The officer issuing such orders shall cause copies of them to be served upon any persons named in them.

(*iii*) The nearest relative of a patient or the occupier of the house in which the patient is staying shall, if a copy of the order under regulation 10 has been served upon him, give to a Sanitary Inspector or to the Health Officer immediate notice of any disobedience of the order by the patient.

Hooghly-Howrah-24-Parganas-Nabadwip. — No. P.H.2R-5/48(2).—20th January 1948.—Whereas the Governor is satisfied that the municipalities of Hooghly-Chinsurah, Bansberia, Serampore, Baidyabati, Champdany, Bhadreswar, Rishra, Konnagar, Kotrang, Uttarpara, Arambagh, Howrah, Bally, Kanchrapara, Halisahar, Naihati, Bhatpara, Garulia, North Barrackpore, Barrackpore, Titagarh, Khardah, Panihati, Kamarhati, Baranagar, North Dum Dum, South Dum Dum, Dum Dum, Tollygunge, South Suburban, Budge Budge, Rajpore, Baruipore, Jaynagar-Majilpore, Garden Reach, Baraset, Gobardanga, Baduria, Basirhat, Taki, Krishnagar, Nabadwip, Santipur, Ranaghat, Birnagar and Chakdah respectively, are threatened with an outbreak of cholera;

Now, therefore, in exercise of the power conferred by section 2 of the Epidemic Diseases Act, 1897 (Act III of 1897), the Governor is pleased to prescribe the following temporary regulations for the prevention and control of cholera, and for the medical inspection, isolation, observation and surveillance of persons suffering from, or suspected of being infected with, cholera in the said municipalities:—

Temporary regulations for the prevention and control of cholera.

1. In these regulations, unless there is anything repugnant in the subject or context:—

(*a*) "Health Officer" means the Health Officer of the municipality;

(*b*) "Sanitary Inspector" means a Sanitary Inspector appointed by the municipality;

(*c*) "Suspected cholera" means any disease accompanied by vomiting and diarrhœa;

(*d*) "Patient" means a person suffering from or suspected to be suffering from cholera;

(*e*) "Medical practitioner" means any person practising the medical profession.

2. Whenever any land is held jointly by two or more persons, whether as owners or occupiers of that land, such persons shall be held jointly and severally liable for carrying out any measure ordered in a notice under these regulations, and the names of any one or more of such joint-holders may be entered upon such notice at the discretion of the Health Officer or a Sanitary Inspector and the Health Officer or a Sanitary Inspector shall not be bound to enter the names of all the joint-holders in the notice.

Notices.

3. If in any case the Health Officer or a Sanitary Inspector considers that the issue of a notice under these regulations is likely to lead to such an amount of delay as might facilitate the spread of cholera he may forthwith take such steps as he may think fit for carrying out the work, and shall thereafter, as soon as possible, issue a notice on the person concerned stating the reason why such work has been carried out.

4. If any measure which the Health Officer or a Sanitary Inspector has, by a notice issued under these regulations, required to be carried out, be not carried out to his satisfaction within the time stated in the notice the Health Officer or a Sanitary Inspector shall be entitled to carry out the measure.

Costs and compensation.

5. (*1*) All expenses incurred in carrying out any work in pursuance of an order issued under these regulations shall be paid by the municipality except in any case where the order directs a person to carry out any work in relation to property in his possession, in which case the expenses shall be paid by that person:

Provided that where the conditions, which led the Health Officer or a Sanitary Inspector to pass such an order, are not attributable to any act or default of the persons in possession of the property, the municipality may pay to such person the whole or a part of expenses incurred by him in carrying out the order.

(*2*) The municipality may recover all expenses incurred by the Health Officer or a Sanitary Inspector in carrying out the measure under regulation 4 from the person or persons to whom the notice was originally issued.

6. The municipality shall pay adequate compensation to any person who has sustained substantial loss or damage by reason of anything done under these regulations:

Provided that no person shall receive any compensation for anything done or suffered under these regulations, if he has failed to carry out an order issued under these regulations within the time specified in the order and to the satisfaction of the Health Officer or a Sanitary Inspector.

Location of disease.

7. When a case of cholera or suspected cholera occurs in a house, the nearest male relative in attendance upon the patient, or in the absence of any such relative the occupier of the house, or if the occupier be the patient, some male inmate of the house shall, within twenty-four hours of the onset of the disease, give information regarding the occurrence of such case either personally or in writing to the Health Officer or a Sanitary Inspector.

8. (*1*) If information has not already been given under regulation 7, the medical practitioner called in to attend upon any case of cholera shall forthwith give notice of the case by special messenger to the Health Officer or a Sanitary Inspector and the cost of such messenger in each case shall be defrayed by the municipality.

(*2*) The doctor-in-charge of a hospital or a dispensary within the municipality shall forthwith give notice of any case of cholera brought to such hospital or dispensary for treatment to the Health Officer or a Sanitary Inspector by a special messenger and the cost of such messenger in each case shall be defrayed by the municipality.

9. Registrars of births and deaths shall supply to the Health Officer or a Sanitary Inspector such periodical returns of cases of cholera as he may from time to time call upon them to furnish.

10. The Health Officer or a Sanitary Inspector may examine any person who is, or suspected to be, suffering from cholera or who, in his opinion, may be infected with or likely to spread cholera.

Isolation of patients and evacuation of houses, etc.

11. When the Health Officer or a Sanitary Inspector considers that the isolation of any patient is a precaution necessary for the protection of the neighbouring population, he shall order the patient to observe isolation and may order the nearest relative in attendance on the patient, or the occupier of the house in which the patient is staying, to arrange for the isolation of the patient in such a manner and for such a time as may be approved by the Health Officer or a Sanitary Inspector.

He shall not direct the patient to be remov from the house unless it is in his opinion impossil to make proper arrangements for his isolati therein.

12. The Health Officer or a Sanitary Inspect may order that any person, who has in his opini been exposed to infection from cholera, shall ta such drugs in such quantities as may be specifi by the Health Officer or a Sanitary Inspector shall submit himself to anti-cholera inoculati within a time to be specified in the order.

13. No person shall enter any place wherein patient is isolated under regulation 11 without t permission of the Health Officer or a Sanita Inspector.

14. The municipality shall provide free charge suitable places, with necessary attendant medicine, diet and other necessaries for perso isolated under regulation 11: Provided that private individual may provide places certified l the Health Officer or a Sanitary Inspector as beir fit for the purpose of such isolation.

14A. If it is not possible for the municip commissioners to provide suitable places wi necessary attendants, diet and other necessari for isolation of the patient or if satisfacto arrangement for such isolation is not also possib in the house where the patient is staying, tl patient shall be sent, under proper sanitary pr cautions, to the hospital within or outside tl nearest municipality where there is suitab arrangement for isolation.

15. No person who is or has been sufferin from cholera, shall leave the place where he h been staying until he has received from tl Health Officer or a Sanitary Inspector writte permission to do so.

16. The Health Officer or a Sanitary Inspecto may require any person to allow to be carrie out by such agency and within such time as ma be specified in the order, such measures for th disinfection or evacuation of any premises in th occupation of such person or for the disinfection o destruction of any of his personal effects, as th said officer or inspector may consider necessary.

17. The Health Officer or a Sanitary Inspecto may direct the owner or occupier of any premise to cause to be inoculated with anti-cholera vaccin within a time to be specified in the orde any person residing on such premises and unde the control of such owner or occupier if the Healt Officer or a Sanitary Inspector is of opinion tha such person has been exposed to infection fro cholera.

18. The Health Officer or a Sanitary Inspecto may forbid any person who has been a patient o who has, to his knowledge, been in contact with patient, to act as vendor of any article for suc period as may be specified in the order.

18A. No person shall carry or permit to b carried in a public conveyance a patient except i the case where a patient is carried with proper pre cautions to a hospital.

19. No person shall sell any article which ha been in contact with a patient until it has beer disinfected to the satisfaction of the Health Office or a Sanitary Inspector.

19A. No person shall expose in any street shop, bazar or any public place any clothing bedding or other article which has been in contact with a patient or shall cause or suffer such article to be carried in any public conveyance, but nothing in this regulation shall apply to a person who transmits with proper precautions against spreading the disease any such article for the purpose of having the same disinfected.

19B. No person shall carry or permit to be carried in a public conveyance the dead body of any person who has died of cholera without the

previous written permission of the Health Officer or a Sanitary Inspector, and without taking proper precautions against spreading the said disease.

Water-supply.

20. (*1*) When the Health Officer or a Sanitary Inspector is of opinion that the water in any well, tank, pool or other possible source of water-supply is contaminated or is likely to be contaminated, he may at once take such steps as he deems necessary to close such well, tank, pool or other source of water-supply, or may require the owner or occupier of land upon which such well, tank, pool or source of water-supply is situated, to take steps to close the same to the satisfaction of the Health Officer or the Sanitary Inspector, as the case may be, within such time as may be specified in the order.

(*2*) The Health Officer or a Sanitary Inspector may require such owner or occupier to keep closed during such a period as shall be specified in the order any well, tank, pool or other sources of water-supply closed under paragraph (*1*) of this regulation.

Explanation.—In this regulation, "to close" includes the placing of watchman to prevent access to the well, tank, pool or other source of water-supply.

21. When the Health Officer or a Sanitary Inspector is of opinion that the water in any well, tank, pool or source of water-supply is contaminated he may disinfect it or order its owner or occupier to disinfect it with such disinfectants as he may specify in such quantities and at such times as he may think fit.

22. The Health Officer or a Sanitary Inspector may prohibit persons from entering into or using for drinking, bathing, or any other purpose, during such period as may be specified in the order, the water in any well, tank, pool or other possible source of water-supply, which, in his opinion, is contaminated or likely to be contaminated.

23. The Health Officer or a Sanitary Inspector may, by an order published at such places as he may think fit, set apart any well, tank, part of a river, stream or channel not being private property, or being private property with the consent of the owner, for the supply of water for drinking or culinary purposes and may prohibit therein or within a distance therefrom to be stated in the order all bathing, washing of clothes or animals, or other acts calculated to pollute the water; and may similarly set apart any well, tank, part of a river, stream or channel for the purpose of bathing or for the purpose of washing animals or clothes or for any other purpose connected with the health and cleanliness of the people using such water-supply.

24. The Health Officer or a Sanitary Inspector may prohibit persons from easing themselves, or throwing, depositing or discharging any rubbish, sewage or offensive matter, into any well, tank, pool or other source of water-supply, which is used by the public, or within such a distance from such well, tank, pool or source of water-supply as he may fix.

Conservancy and sewage disposal.

25. The Health Officer or a Sanitary Inspector may (1) prohibit the committal or continuance of any nuisance, or (2) require the person causing any nuisance or the person occupying the premises on which any nuisance exists to remove such nuisance.

Explanation.—In this regulation, "nuisance" means anything which in the opinion of the Health Officer or Sanitary Inspector is likely to spread or to cause the outbreak of cholera.

26. Whenever the Health Officer or a Sanitary Inspector is satisfied that the condition of any privy, urinal, drain, sewer or cesspool is such as to cause risk of spreading cholera to the inhabitants of the neighbourhood he may order the occupier of the land in which such privy, urinal, drain, sewer or cesspool is situated to disinfect, or to allow an officer of the municipality to disinfect, the same with such disinfectants in such quantities and at such time as the said officer or inspector shall think fit.

27. The Health Officer or a Sanitary Inspector may for the prevention of the outbreak or spread of cholera order the owner or occupier of any land to repair or make efficient to the satisfaction of that officer or inspector any drain, sewer, privy, urinal or cesspool which is situated upon such land or to remove any such drain, sewer, privy, or urinal or close any such cesspool within such time as may be fixed by the said officer or inspector.

Miscellaneous.

28. The Health Officer or a Sanitary Inspector may during the prevalence of any outbreak of cholera order that any market, shop or other public place shall remain closed for such time as may appear to him to be necessary and may forbid the holding of any fair, *mela* or other gathering to which people from surrounding places commonly or periodically resort.

29. The Health Officer or a Sanitary Inspector may require the owner or occupier of any land to clear and remove, within the period specified in the order, any vegetation upon such land the existence of which in the opinion of the said officer or inspector conduces to the committing of nuisances upon such land.

30. The Health Officer or a Sanitary Inspector may issue general orders that by a specified date certain sanitary precautions of a simple nature, such as lime-washing of houses, clearing of latrines or the removal of filth or rubbish shall be carried out to his satisfaction.

31. The Health Officer or a Sanitary Inspector may prohibit persons from retaining or selling clothes taken from the bodies of persons who have died of cholera and may cause any such clothes to be destroyed.

32. No person shall, without the written permission of the Health Officer or a Sanitary Inspector, dispose of any corpse except by burning or burial.

33. The Health Officer or a Sanitary Inspector may approve burning or burial grounds and may by order direct either generally or specially in respect to any specified area, that corpses shall not be burned or buried at places other than those so approved by him.

34. Any person burning or causing to be burnt any corpse shall cause the same to be completely reduced to ashes, and shall likewise cause the clothes or other articles brought with such corpse to be reduced to ashes.

35. The Health Officer or a Sanitary Inspector may direct that no person shall bury or cause to be buried any corpse which, in the opinion of the Health Officer, is likely to spread cholera, in a grave, not constructed of masonry and less than six feet deep.

36. The Health Officer or a Sanitary Inspector may order that no *dome* or other servant of the municipality employed for the disposal of corpses shall withdraw from his duties without the permission of the Health Officer or a Sanitary Inspector unless such *dome* or other servant of the municipality has given notice in writing not less than one month previously of his intention so to withdraw.

37. The Health Officer or a Sanitary Inspector may through any person authorised by such officer or inspector in that behalf seize and dispose of any corpse which, in the opinion of the said officer or inspector, is infected with or is likely to spread cholera, unless the relatives or friends of the deceased person satisfy him that they are prepared and able to dispose of the corpse in a manner which will prevent the spread of cholera.

38. (*1*) The Health Officer or a Sanitary Inspector may require any person who appears to be acquainted with facts in connection with any case of cholera or suspected cholera to attend before him at a time to be stated in the order and at any place not more than one mile from the place where such person resides or is staying when the order is issued, and such person shall appear as so required.

(*2*) When the person summoned to appear under paragraph (*1*) is a female who, by the custom of the country, does not appear in public suitable precaution shall be taken to respect the said custom.

39. (*1*) The Health Officer or a Sanitary Inspector may examine orally any person who appears to be acquainted with the facts and circumstances of a case of cholera or suspected cholera.

(*2*) When the person to be examined under paragraph (*1*) is a female who, by the custom of the country, does not appear in public, the officer shall take her statement under such conditions as shall admit of due respect to the said custom.

(*3*) Such person shall be bound to answer all questions relating to such case put to him or her by such officer, other than questions the answers to which would have a tendency to expose him or her to any criminal charge.

40. The Health Officer or a Sanitary Inspector may, with such assistance (if any) as he thinks fit, enter upon any land, or after two hours' notice in writing, into any premises or building used for human habitation at any time between sunrise and sunset for the purpose of carrying out any measure or making any enquiries authorised by these regulations.

41. The crew of any inland steam vessel or boat which plies in any canal or river and other persons residing on such vessel or boat shall be subject to these regulations.

42. All inoculations under these regulations shall be performed gratuitously.

43. (*i*) Orders issued by the Health Officer or a Sanitary Inspector under these regulations shall be in writing.

(*ii*) The officer issuing such orders shall cause copies of them to be served upon any persons named in them.

(*iii*) The nearest relative of a patient or the occupier of the house in which the patient is staying shall, if a copy of the order under regulation 11 has been served upon him, give to the nearest Sanitary Inspector or to his office, immediate notice of any disobedience of the order by the patient.

No. P.H.2R-5/48(3).—20th January 1948.—Whereas the Governor is satisfied that the districts of 24-Parganas, Hooghly, Howrah, Midnapore and Nabadwip are threatened with an outbreak of cholera:

Now, therefore, in exercise of the power conferred by section 2 of the Epidemic Diseases Act, 1897 (Act III of 1897), the Governor is pleased to prescribe the following temporary regulations for the prevention and control of cholera, and for the medical inspection, isolation, observation and surveillance of persons suffering from, or suspected of being infected with, cholera in the said districts.

Temporary regulations for the prevention and control of cholera.

1. In these regulations, unless there is anything repugnant in the subject or context:—

(*a*) "District Health Officer" means the Health Officer of the district appointed by the District Board under sub-section (*3*) of section 91 of the Bengal Local Self-Government Act of 1885 (Bengal Act III of 1885);

(*b*) "Sanitary Inspector" means a Sanitary Inspector appointed by the District Board under sub-section (*3*) of section 91 of the Bengal Local Self-Government Act of 1885;

(*c*) "Board" means a District Board constituted under the Bengal Local Self-Government Act of 1885;

(*d*) "Union Board" means a Union Board constituted under the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919);

(*e*) "suspected cholera" means any disease accompanied by vomiting and diarrhœa;

(*f*) "patient" means a person suffering from or suspected to be suffering from cholera;

(*g*) "medical practitioner" means any person practising the medical profession.

2. Whenever any land is held jointly by two or more persons, whether as owners or occupiers of that land, such persons shall be held jointly and severally liable for carrying out any measure ordered in a notice under these regulations, and the names of any one or more of such joint-holders may be entered upon such notice at the discretion of the District Health Officer and the District Health Officer shall not be bound to enter the names of all the joint-holders in the notice.

Notices.

3. If in any case the District Health Officer considers that the issue of a notice under these regulations is likely to lead to such an amount of delay as might facilitate the spread of cholera he may forthwith take such step as he may think fit for carrying out the work, and shall thereafter, as soon as possible, issue a notice on the person concerned stating the reason why such work has been carried out.

4. If any measure which the District Health Officer has, by a notice issued under these regulations, required to be carried out, be not carried out to his satisfaction within the time stated in the notice, the District Health Officer shall be entitled to carry out the measure.

Costs and compensation.

5. (*1*) All expenses incurred in carrying out any work in pursuance of an order issued under these regulations shall be paid by the Board except in any case where the order directs a person to carry out any work in relation to property in his possession, in which case the expenses shall be paid by that person:

Provided that where the conditions, which led the District Health Officer to pass such an order, are not attributable to any act or default of the persons in possession of the property, the Board may pay to such person the whole or a part of the expenses incurred by him in carrying out the order.

(*2*) The Board may recover all expenses incurred by the District Health Officer in carrying out the measure under regulation 4 from the person or persons to whom the notice was originally issued.

6. The Board shall pay adequate compensation to any person who has sustained substantial loss or damage by reason of anything done under these regulations:

Provided that no person shall receive any compensation for anything done or suffered under these regulations, if he has failed to carry out an order issued under these regulations within the time specified in the order and to the satisfaction of the District Health Officer.

Location of disease.

7. When a case of cholera or suspected cholera occurs in a house, the nearest male relative in attendance upon the patient, or in the absence of any such relative the occupier of the house, or if the occupier be the patient, some male inmate of the house shall, within twenty-four hours of the onset of the disease, give information regarding the occurrence of such case either personally or in writing or by means of the chaukidar or other village watchman to the nearest Sanitary Inspector.

(1) If information has not already been given ler regulation 7, the medical practitioner called to attend upon any case of cholera shall forthh give notice of the case by special messenger the nearest Sanitary Inspector or rural medical er and by post to the District Health Officer the cost of such messenger in each case shall defrayed by the Board.

(2) The doctor-in-charge of a hospital or a pensary within the district shall forthwith give ice of any case of cholera brought to such pital or dispensary for treatment to the nearest itary Inspector by a special messenger and to District Health Officer by post and the cost of h messenger in each case shall be defrayed by Board.

. Presidents of Union Boards in Union Board as and thana officers in non-union board areas ll supply to the District Health Officer such odical returns of cases of cholera as he may m time to time call upon them to furnish.

0. The District Health Officer or a Sanitary pector may examine any person who is, or pected to be, suffering from cholera or who, in opinion, may be infected with or likely to ead cholera.

lation of patients and evacuation of houses, etc.

1. When the District Health Officer or a itary Inspector considers that the isolation of patient is a precaution necessary for the protion of the neighbouring population, he shall ler the patient to observe isolation and may order nearest relative in attendance on the patient, the occupier of the house in which the patient staying, to arrange for the isolation of the patient such a manner and for such a time as may be proved by the District Health Officer, or the itary Inspector.

He shall not direct the patient to be removed m the house unless it is in his opinion impossible make proper arrangements for his isolation rein.

2. The District Health Officer or a Sanitary pector may order that any person, who has in opinion been exposed to infection from cholera, ll take such drugs in such quantities as may be cified by the District Health Officer, or Sanitary pector or shall submit himself to anti-cholera culation within a time to be specified in the er.

3. No person shall enter any place wherein a ient is isolated under regulation 11 without the mission of the District Health Officer or a itary Inspector.

4. The Board shall provide free of charge table places, with necessary attendants, dicine, diet and other necessaries for persons lated under regulation 11: Provided that a vate individual may provide places certified by District Health Officer as being fit for the rpose of such isolation.

5. No person, who is or has been suffering m cholera, shall leave the place where he has n staying until he has received from the strict Health Officer or a Sanitary Inspector itten permission to do so.

6. The District Health Officer or a Sanitary spector may require any person to allow to be ried out by such agency and within such time may be specified in the order, such measures for disinfection or evacuation of any premises in occupation of such person or for the disinfecn or destruction of any of his personal effects, the said officer or inspector may consider necesy.

16A. The District Health Officer or a Sanitary Inspector authorised by the District Health Officer in writing in that behalf may during the prevalence of any outbreak of cholera order that any bazar, shop or other public place shall remain closed for such time as may appear to him to be necessary and may forbid the holding of any fair, *mela* or other gathering to which people from several villages commonly or periodically resort.

17. The District Health Officer or a Sanitary Inspector may direct the owner or occupier of any premises to cause to be inoculated with anti-cholera vaccine within a time to be specified in the order any person residing on such premises and under the control of such owner or occupier if the District Health Officer or Sanitary Inspector is of opinion that such person has been exposed to infection from cholera.

18. The District Health Officer or a Sanitary Inspector may forbid any person who has been a patient or who has, to his knowledge, been in contact with a patient, to act as vendor of any article for such period as may be specified in the order.

18A. No person shall carry or permit to be carried in a public conveyance a patient except in the case where a patient is carried with proper precautions to a hospital.

19. No person shall sell any article which has been in contact with a patient until it has been disinfected to the satisfaction of the District Health Officer or a Sanitary Inspector.

19A. No person shall expose in any street, shop, bazar or any public place any clothing, bedding or other article which has been in contact with a patient or shall cause or suffer such articles to be carried in any public conveyance, but nothing in this regulation shall apply to a person who transmits with proper precautions against spreading the disease any such article for the purpose of having the same disinfected.

19B. No person shall carry or permit to be carried in a public conveyance the dead body of any person who has died of cholera without the previous written permission of the District Health Officer or Sanitary Inspector and without taking proper precautions against spreading the said disease.

Water-supply.

20. (1) When the District Health Officer or a Sanitary Inspector is of opinion that the water in any well, tank, pool or other possible source of water-supply is contaminated or is likely to be contaminated, he may at once take such steps as he deems necessary to close such well, tank, pool or other source of water-supply, or may require the owner or occupier of land upon which such well, tank, pool or source of water-supply is situated, to take steps to close the same to the satisfaction of the District Health Officer or the Sanitary Inspector as the case may be, within such time as may be specified in the order.

(2) The District Health Officer or a Sanitary Inspector may require such owner or occupier to keep closed during such a period as shall be specified in the order any well, tank, pool or other sources of water-supply closed under paragraph (1) of this regulation.

Explanation.—In this regulation, "to close" includes the placing of chaukidars to prevent access to the well, tank, pool or other source of water-supply.

21. When the District Health Officer or a Sanitary Inspector is of opinion that the water in any well, tank, pool or source of water-supply is contaminated he may disinfect it or order its owner or occupier to disinfect it with such disinfectants as he may specify in such quantities and at such times as he may think fit.

22. The District Health Officer or a Sanitary Inspector may prohibit persons from entering into or using for drinking, bathing, or any other purpose, during such period as may be specified in the order, the water in any well, tank, pool or other possible source of water-supply, which, in his opinion, is contaminated or likely to be contaminated.

23. The District Health Officer or a Sanitary Inspector may, by an order published at such places as he may think fit, set apart any well, tank, part of a river, stream or channel not being private property, or being private property with the consent of the owner, for the supply of water for drinking or culinary purposes and may prohibit therein or within a distance therefrom to be stated in the order all bathing, washing of clothes or animals, or other acts calculated to pollute the water; and may similarly set apart any well, tank, part of a river, stream or channel for the purpose of bathing or for the purpose of washing animals or clothes or for any other purpose connected with the health and cleanliness of the people using such water-supply.

24. The District Health Officer or a Sanitary Inspector may prohibit persons from easing themselves, or throwing, depositing or discharging any rubbish, sewage, or offensive matter, into any well, tank, pool or other source of water-supply, which is used by the public, or within such a distance from such well, tank, pool or source of water-supply as he may fix.

Conservancy and sewage disposal.

25. The District Health Officer or a Sanitary Inspector may (1) prohibit the committal or continuance of any nuisance, or (2) require the person causing any nuisance or the person occupying the premises on which any nuisance exists to remove such nuisance.

Explanation.—In this regulation "nuisance" means anything which in the opinion of the District Health Officer or Sanitary Inspector is likely to spread or to cause the outbreak of cholera.

26. Whenever the District Health Officer or a Sanitary Inspector is satisfied that the condition of any privy, urinal, drain, sewer or cesspool is such as to cause risk of spreading cholera to the inhabitants of the neighbourhood he may order the occupier of the land in which such privy, urinal, drain, sewer or cesspool is situated to disinfect, or to allow an officer of the Board to disinfect, the same with such disinfectants in such quantities and at such time as the said officer or inspector shall think fit.

27. The District Health Officer or a Sanitary Inspector may for the prevention of the outbreak or spread of cholera order the owner or occupier of any land to repair or make efficient to the satisfaction of that officer or inspector any drain, sewer, privy, urinal or cesspool which is situated upon such land or to remove any such drain, sewer, privy, or urinal or close any such cesspool within such time as may be fixed by the said officer or inspector.

Miscellaneous.

28. The District Health Officer or a Sanitary Inspector may during the prevalence of any outbreak of cholera order that any market, shop or other public place shall remain closed for such time as may appear to him to be necessary and may forbid the holding of any fair, *mela* or other gathering to which people from several villages commonly or periodically resort.

29. The District Health Officer or a Sanitary Inspector may require the owner or occupier of any land to clear and remove within the period specified in the order, any vegetation upon such land the existence of which in the opinion of the said officer or inspector conduces to the committing of nuisances upon such land.

30. The District Health Officer or a Sanitary Inspector may issue general orders that by a specified date certain sanitary precautions of a simple nature, such as lime-washing of houses, clearing of latrines or the removal of filth or rubbish shall be carried out to his satisfaction.

31. The District Health Officer or a Sanitary Inspector may prohibit persons from retaining or selling clothes taken from the bodies of persons who have died of cholera and may cause any such clothes to be destroyed.

32. No person shall, without the written permission of the District Health Officer or a Sanitary Inspector dispose of any corpse except by burning or burial.

33. The District Health Officer may approve burning or burial grounds and may by order direct either generally or especially in respect to any specified area, that corpses shall not be burned or buried at places other than those so approved by him.

34. Any person burning or causing to be burnt any corpse shall cause the same to be completely reduced to ashes, and shall likewise cause the clothes or other articles brought with such corpse to be reduced to ashes.

35. The District Health Officer may direct that no person shall bury or cause to be buried any corpse which, in the opinion of the District Health Officer, is likely to spread cholera in a grave not constructed of masonry and less than six feet deep.

36. The District Health Officer may order that no *dome* or other servant of the Board employed for the disposal of corpses shall withdraw from his duties without the permission of the District Health Officer unless such *dome* or other servant of the Board has given notice in writing not less than one month previously of his intention so to withdraw.

37. The District Health Officer or a Sanitary Inspector may through any person authorised by such officer or inspector in that behalf seize and dispose of any corpse, which, in the opinion of the said officer or inspector, is infected with or is likely to spread cholera, unless the relatives or friends of the deceased person satisfy him that they are prepared and able to dispose of the corpse in a manner which will prevent the spread of cholera.

38. (*1*) The District Health Officer or Sanitary Inspector may require any person who appears to be acquainted with facts in connection with any case of cholera or suspected cholera to attend before him at a time to be stated in the order and at any place not more than one mile from the place where such person resides or is staying when the order is issued, and such person shall appear as so required.

(*2*) When the person summoned to appear under paragraph (*1*) is a female who, by the custom of the country, does not appear in public suitable precaution shall be taken to respect the said custom.

39. (*1*) The District Health Officer or a Sanitary Inspector may examine orally any person who appears to be acquainted with the facts and circumstances of a case of cholera or suspected cholera.

(*2*) When the person to be examined under paragraph (*1*) is a female who, by the custom of the country does not appear in public, the officer shall take her statement under such conditions as shall admit of due respect to the said custom.

(*3*) Such person shall be bound to answer all questions relating to such case put to him or her by such officer, other than questions the answers to which would have a tendency to expose him or her to any criminal charge.

40. The District Health Officer or a Sanitary Inspector may, with such assistants (if any) as he thinks fit, enter upon any land, or after two hours' notice in writing, into any premises or buildings used for human habitation at any time between sunrise and sunset for the purpose of carrying out any measure or making any enquiries authorised by these regulations.

41. All inoculations under these regulations shall be performed gratuitously.

42. (*i*) Orders issued by the District Health Officer or a Sanitary Inspector under these regulations shall be in writing.

(*ii*) The officer issuing such orders shall cause copies of them to be served upon any persons named in them.

(*iii*) The nearest relative of a patient or the occupier of the house in which the patient is staying shall, if a copy of the order under regulation 10 has been served upon him, give to the nearest Sanitary Inspector or to his office, immediate notice of any disobedience of the order by the patient.

2. This cancels notification No. P.H.1M-35/47, dated 13th January 1948.

No. P.H.2R-5/48(4).—20th January 1948. Whereas the Governor is satisfied that the districts of 24-Parganas, Hooghly, Howrah, Midnapore and Nabadwip are threatened with an outbreak of small-pox:

Now, therefore, in exercise of the power conferred by section 2 of the Epidemic Diseases Act, 1897 (Act III of 1897), the Governor is pleased to prescribe the following temporary regulations for the prevention and control of small-pox, and for the medical inspection, isolation, observation and surveillance of persons suffering from, or suspected of being infected with, small-pox in the said districts.

Temporary regulations for the prevention and control of small-pox.

1. In these regulations, unless there is anything repugnant in the subject or context—

(*a*) "District Health Officer" means the Health Officer of the district appointed by the District Board under sub-section (*3*) of section 91 of the Bengal Local Self-Government Act of 1885 (Bengal Act III of 1885);

(*b*) "Sanitary Inspector" means a Sanitary Inspector appointed by the District Board under sub-section (*3*) of section 91 of the Bengal Local Self-Government Act of 1885;

(*c*) "Board" means a District Board constituted under the Bengal Local Self-Government Act of 1885;

(*d*) "Union Board" means a Union Board constituted under the Bengal Village Self-Government Act, 1919;

(*e*) "small-pox" means any disease accompanied by an eruption of vesicles or pustules;

(*f*) "patient" means a person suffering from or suspected to be suffering from small-pox;

(*g*) "medical practitioner" means any person practising the medical profession.

Notices.

2. If in any case the District Health Officer considers that the issue of a notice under regulation 20 is likely to lead to such an amount of delay as might facilitate the spread of small-pox he may forthwith take such steps as he may think fit for carrying out the work, and shall thereafter, as soon as possible, issue a notice on the person concerned stating the reasons why such work has been carried out.

3. If any measure which the District Health Officer has, by a notice issued under regulation 20, required to be carried out, be not carried out to his satisfaction within the time stated in the notice the District Health Officer shall be entitled to carry out the measure.

Costs and compensation.

4. (*1*) All expenses incurred in carrying out any work in pursuance of an order issued under these regulations shall be paid by the Board except in any case where the order directs a person to carry out any work in relation to property in his possession, in which case the expenses shall be paid by such person:

Provided that where the conditions which led the District Health Officer to pass such an order, are not attributable to any act or default of the person in possession of the property, the Board may pay to such person the whole or a part of the expenses incurred by him in carrying out the order.

(*2*) The Board may recover all expenses incurred by the District Health Officer in carrying out the measure under regulation 3 from the person or persons to whom the notice was originally issued.

5. The Board shall pay adequate compensation to any person who has sustained substantial loss or damage by reason or anything done under these regulations:

Provided that no person shall receive any compensation for anything done or suffered under these regulations if he has failed to carry out an order issued under these regulations within the time specified in the order and to the satisfaction of the District Health Officer.

Location of disease.

6. When a case of small-pox occurs in a house, the nearest male relative in attendance upon the patient, or in the absence of any such relative the occupier of the house, or if the occupier be the patient, the senior male inmate of the house other than the patient of the house shall, within twenty-four hours of the onset of the disease, give information regarding the occurrence of such case either personally or in writing or by means of the chaukidar or other village watchman to the nearest Sanitary Inspector.

7. (*1*) Every medical practitioner called in to attend upon any case of small-pox shall forthwith give notice of the case by a special messenger to the nearest member of the outdoor staff of the Board and to the District Health Officer by post and the cost of such messenger in each case shall be defrayed by the Board.

(*2*) The doctor-in-charge of a hospital or a dispensary within the district shall forthwith give notice of any case of small-pox brought to such hospital or dispensary for treatment to the nearest Sanitary Inspector by a special messenger and to the District Health Officer by post, and the cost in each case shall be defrayed by the Board.

8. Presidents of Union Boards in union board areas and thana officers in non-union board areas shall supply to the District Health Officer such periodical returns of cases of small-pox as he may from time to time call upon them to furnish.

9. The District Health Officer or a Sanitary Inspector may examine any person who is, or suspected to be, suffering from small-pox or who, in his opinion, may be infected with or likely to spread small-pox.

Isolation of patients.

10. When the District Health Officer or a Sanitary Inspector considers that the isolation of any patient is a precaution necessary for the protection of the neighbouring population, he shall order the patient to observe isolation and may order the nearest relative in attendance on the patient, or the occupier of the house in which the patient is staying to arrange for the isolation of the patient in such a manner and for such a time as may be approved by the District Health Officer.

He shall not direct the patient to be removed from the house unless it is, in his opinion, impossible to make proper arrangements for his isolation therein.

11. The District Health Officer or a Sanitary Inspector may order that any person, who has been in contact with a person found to be suffering from small-pox shall be segregated for a period not exceeding a fortnight in a manner and in a place to be approved by the District Health Officer.

12. The District Health Officer or a Sanitary Inspector may order that any person who has been in contact with a person found to be suffering from small-pox shall be vaccinated or revaccinated within a time to be specified in the order.

13. No person shall enter any place wherein a patient is isolated under regulation 10 without the permission of the District Health Officer or a Sanitary Inspector.

14. When a patient has been removed from a house for isolation under regulation 10, the Board shall provide for him free of charge a suitable place, with necessary attendants, diet, etc.

15. No person, who is or has been suffering from small-pox, shall leave the place where he has been staying until he has received from the District Health Officer or a Sanitary Inspector written permission to do so.

15A. No person while suffering from evident symptoms of small-pox or in the convalescent state of the disease with scabs of pocks on his body shall expose himself in any street, road, public place, shop, bazar or any place used in common by persons other than members of the family or household to which such infected persons belong or shall move from place to place unless he is proceeding to a hospital for admission and treatment.

Miscellaneous.

16. The District Health Officer or a Sanitary Inspector may require any person to allow to be carried out by such agency and within such time as may be specified in the order, such measures for the disinfection of any premises in the occupation of such person or for the disinfection or destruction of any of his personal effects, as the said officer or Inspector may consider necessary.

16A. The District Health Officer or a Sanitary Inspector authorised by the District Health Officer in writing in that behalf may during the prevalence of any outbreak of small-pox order that any bazar, shop or other public place shall remain closed for such time as may appear to him to be necessary and may forbid the holding of any fair, *mela* or other gathering to which people from several villages commonly or periodically resort.

17. The District Health Officer or a Sanitary Inspector may direct the owner or occupier of any premises to take steps to have vaccinated or revaccinated within a time to be specified in the order any person residing on such premises and under the control of such owner or occupier if the District Health Officer is of opinion that such person has been in contact with any one suffering from small-pox.

18. The District Health Officer or a Sanitary Inspector may forbid any person who has been a patient or who has to his knowledge been in contact with a patient to act as vendor of any article for such period as may be specified in the order.

18A. No person shall carry or permit to be carried in a public conveyance a patient except in the case where a patient is carried to a hospital with the following precautions against spreading the disease, namely:—

(*i*) that he is so well covered that the discharge and scabs from the lesions do not come directly into touch with the body of the conveyance;

(*ii*) that he is taken to the hospital direct a the conveyance does not halt at any other place f transacting any business; and

(*iii*) that excepting one or two attendants for t patient no other person is carried in the conveyan at the same time.

18B. Every conveyance in which a patient or dead body of a person who has died of small-p or any article that has been in contact with patient is carried shall be disinfected before it used again. The disinfection will be effected—

(*i*) in the case of a conveyance carrying a patie to hospital, by the authorities of the hospital befo such conveyance leaves the hospital;

(*ii*) in the case of a conveyance carrying an clothing, bedding or other article of a patient the disinfecting station, by the authorities of suc station; and

(*iii*) in the case of a conveyance carrying a dea body to the burial or cremation ground, by th owner of the conveyance himself and such own shall effect the disinfection with a strong solutio of formalin (1 in 400), lysol (1 in 500), izol (1 500) or of saponified cresol (1 in 160).

19. No person shall sell any article which ha been in contact with a patient until it has bee disinfected to the satisfaction of the District Healt Officer or a Sanitary Inspector.

19A. No person shall expose in any street, shop bazar or any public place any clothing, bedding o other article which has been in contact with patient or shall cause or suffer such articles to b carried in any public conveyance, but nothing i this regulation shall apply to a person who trans mits any such article for the purpose of having th same disinfected with the following precaution against spreading the disease:—

(*i*) the article is so well covered with a cloth soaked in strong solution of formalin (1 in 400) lysol (1 in 500), izol (1 in 500) or of saponified cresol (1 in 160) that it does not come directly int touch with the body of the conveyance;

(*ii*) the article is taken to the disinfecting station direct and the conveyance does not halt at any other place for transacting any business; and

(*iii*) excepting one attendant for the purpose of taking the infected articles to the disinfecting station no other person is carried in the conveyance.

20. The District Health Officer or a Sanitary Inspector may issue general orders that by a specified date certain sanitary precautions of a simple nature, such as lime-washing of houses, clearing of latrines or the removal of filth or rubbish, shall be carried out to his satisfaction.

20A. No person shall carry or permit to be carried in a public conveyance the dead body of any person who has died of small-pox without the previous written permission of the District Health Officer or a Sanitary Inspector and without taking the following precautions against spreading the said disease:—

(*i*) the dead body is so well covered with a cloth soaked in a strong solution of formalin (1 in 400) lysol (1 in 500), izol (1 in 500), or of saponified cresol (1 in 160) that the discharge and scabs from the lesions do not come directly into touch with the body of the conveyance;

(*ii*) the dead body is taken to the burial or cremation ground direct and the conveyance does not halt at any other place for transacting any business; and

(*iii*) excepting attendants for the dead body no other person is carried in the conveyance at the same time.

21. The District Health Officer or a Sanitary Inspector may prohibit persons from retaining or selling clothes taken from the bodies of persons who have died of small-pox and may cause any such clothes to be destroyed.

22. No person shall, without the written permission of the District Health Officer, dispose of any corpse except by burning or burial.

23. The District Health Officer may approve burning or burial grounds and may by order direct either generally or specially in respect to any specified area, that corpses shall not be burned or buried at places other than those so approved by him.

24. Any person burning or causing to be burnt any corpse shall cause the same to be completely reduced to ashes and shall likewise cause the clothes or other articles brought with such corpse to be reduced to ashes.

25. The District Health Officer may direct that no person shall bury or cause to be buried any corpse, which in the opinion of the District Health Officer, is likely to spread small-pox, in a grave, not constructed of masonry and less than 6 feet deep.

26. The District Health Officer may order that no *dome* or other servant of the Board employed for the disposal of corpses shall withdraw from his duties without the permission of the District Health Officer unless such *dome* or other servant of the Board has given notice in writing not less than one month previously of his intention so to withdraw.

27. The District Health Officer or a Sanitary Inspector may through any person authorised by such officer or inspector in that behalf seize and dispose of any corpse which in the opinion of the said officer or inspector is infected with or is likely to spread small-pox, unless the relatives or friends of the deceased person satisfy him that they are prepared and able to dispose of the corpse in a manner which will prevent the spread of small-pox.

28. (*1*) The District Health Officer or a Sanitary Inspector may require any person who appears to be acquainted with facts in connection with any case or suspected case of small-pox to attend before him at a time to be stated in the order and at any place not more than one mile from the place where such person resides is staying when the order is issued, and such person shall appear as so required.

(*2*) When the person summoned to appear under paragraph (*1*) is a female who, by the custom of the country, does not appear in public, suitable precaution shall be taken to respect the said custom.

29. (*1*) The District Health Officer or a Sanitary Inspector may examine orally any person who appears to be acquainted with the facts and circumstances of a case or suspected case of small-pox.

(*2*) When the person to be examined under paragraph (*1*) is a female who, by the custom of the country, does not appear in public, the officer shall take her statement under such conditions and shall admit of due respect of the said custom.

(3) Such person shall be bound to answer all questions relating to such case put to him or her by such officer, other than questions the answers to which would have a tendency to expose him or her to any criminal charge.

30. The District Health Officer or a Sanitary Inspector may, with such assistants (if any) as he thinks fit, enter upon any land, or after two hours' notice in writing, into any premises or building used for human habitation at any time between sunrise and sunset for the purpose of carrying out any measure or making any enquiries authorised by these regulations.

31. The crew of any inland steam-vessel or boat which plies in any canal or river and other person residing on such vessel or boat shall be subject to these regulations.

32. (1) All vaccinations under these regulations shall be performed gratuitously provided they be done (a) at such public vaccination stations as may be opened by the District Board or (b) by house to house visits in the case of such females as are by the custom of the country unable to attend at public vaccination stations and are too poor to pay fees.

(2) Persons desirous of being vaccinated in their own houses other than those specified exempted under sub-regulation (1) shall pay a fee of two annas for each vaccination for which they shall get a printed receipt: provided that the total amount of fees payable for any number of operations performed in one family at the same house and at the same time shall not exceed annas eight.

33. (i) Orders issued by the District Health Officer or a Sanitary Inspector under these regulations shall be in writing.

(ii) The officer issuing such orders shall cause copies of them to be served upon any persons named in them.

(iii) The nearest relative of a patient or the occupier of the house in which the patient is staying shall, if a copy of the order under regulation 10 has been served upon him, give to the nearest Sanitary Inspector or to his office immediate notice of any disobedience of the order by the patient.

2. This cancels notification No. P.H.1M-35/47 dated 13th January 1948.

By order of the Governor,

S. K. GUPTA,

Secy. to the Govt. of West Bengal.

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

CORRIGENDA.

No. L.S.-G.566/47/1M.—22nd January 1948.—In notification No. L.S.-G.566/47/1M., dated the 10th January 1948, publishing the names of Commissioners of the Berhampore Municipality in the district of Murshidabad, at page 69 of Part I of the *Calcutta Gazette, Extraordinary*, dated the 12th January 1948, make the following correction:—

Under "Ward No. III" *for* "Sri Bireswar Roy" *read* "Sri Bisweswar Roy".

No. L.S.-G.1174/47/1B.—22nd January 1948.—In notification No. L.S.-G.1174/47/1B., dated the 10th January 1948, publishing the names of members of the Murshidabad district board, at page 71 of Part I of the *Calcutta Gazette, Extraordinary*, dated 12th January 1948, make the following correction:—

Under "IV. Bharatpur" *for* "Maulvi Badrul Alam Baul Fazal" *read* "Maulvi Badrul Alam Abul Fazal".

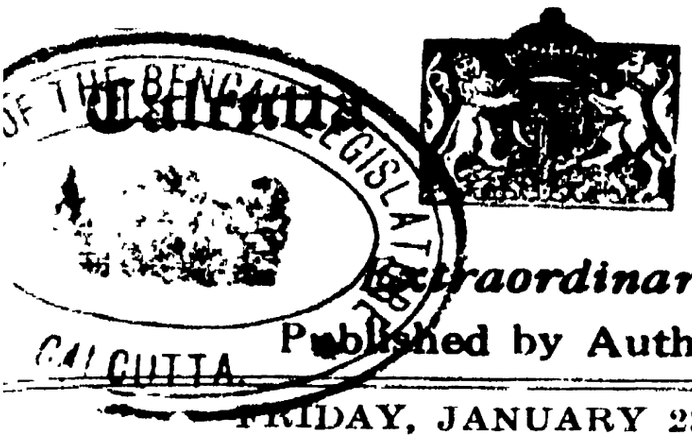
By order of the Governor,
S. K. GUPTA,
Secy. to the Govt. of West Bengal.

nted and published by the Superintendent, Govt. Ptg., West Bengal at West Bengal Govt. Press, Alipore, on the 22nd January 1948.

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The



Calcutta Gazette

Extraordinary

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FRIDAY, JANUARY 23, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT.
Constitution and Elections.

NOTIFICATION.

No. 105A.R.—23rd January 1948.—The following notifications are published for general information :—

Notification.

GOVERNMENT HOUSE,
CALCUTTA,
The 23rd January 1948.

His Excellency the Governor has this day been pleased to accept the resignations of—

(1) The Hon'ble Dr. Pulla Chandra Ghosh,
(2) The Hon'ble Dr. Suresh Chandra Banerjee,
(3) The Hon'ble Sri Hem Chandra Naskar,
(4) The Hon'ble Sri Kamal Krishna Roy,
(5) The Hon'ble Sri Kalipada Mukherjee,
(6) The Hon'ble Sri Mohini Mohan Barman,
(7) The Hon'ble Sri Annada Prosad Choudhuri,

(8) The Hon'ble Sri Charu Chandra Bhandari
(9) The Hon'ble Sri Bhupati Majumdar,

of their offices as members of his Council of Ministers, tendered in their letters, dated the 15th January 1948.

By Command,
B. N. CHAKRAVARTY,
Secretary to the Governor.

Notification.

Government House,
Calcutta,
The 23rd January 1948.

His Excellency the Governor has been pleased to appoint—

Dr. Bidhan Chandra Roy,
Sri Nalini Ranjan Sarker,
Sri Rai Harendra Nath Chaudhuri,
Sri Bimal Chandra Sinha,
Sri Niharendu Dutt-Mazumdar,
Sri Mohini Mohan Barman,
Sri Kalipada Mukherjee,
Sri Hem Chandra Naskar,
Sri Bhupati Majumdar,
Sri Prafulla Chandra Sen,
Sri Nikunja Behary Maity,
Sri Jadabendra Nath Panja,

to be members of his Council of Ministers.

These gentlemen have this day in the forenoon taken the oaths of office accordingly.

By Command,
B. N. CHAKRAVARTY,
Secretary to the Governor

By order of the Governor,
S. B. BAPAT,
Jt. Secy. to the Govt. of West Bengal.

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—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, e.c.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

.R.—23rd January 1948.—The follow-tion is published for general informa-

Notification.

GOVERNMENT HOUSE,
CALCUTTA,
23rd January 1948.

Hency the Governor has been pleased to

Hon'ble Dr. Bidhan Chandra Roy, to Minister in charge of the Home Depart-nt and of the Department of Health l Local Self-Government.

Hon'ble Sri Nalini Ranjan Sarker, to Minister in charge of the Department Finance, Commerce and Industries.

Hon'ble Sri Rai Harendra Nath audhuri, to be Minister in charge of the ucation Department.

Hon'ble Sri Bimal Chandra Sinha, to Minister in charge of the Department Works, Buildings and Communications.

Hon'ble Sri Niharendu Dutt-Mazumdar, be Minister in charge of the Judicial l Legislative Departments.

(6) The Hon'ble Sri Mohini Mohan Barman, to be Minister in charge of the Land and Land Revenue Department.

(7) The Hon'ble Sri Kalipada Mukherjee, to be Minister in charge of the Labour Department.

(8) The Hon'ble Sri Hem Chandra Naskar, to be Minister in charge of the Department of Forests and Fisheries.

(9) The Hon'ble Sri Bhupati Majumdar, to be Minister in charge of the Department of Irrigation and Waterways.

(10) The Hon'ble Sri Prafulla Chandra Sen, to be Minister in charge of the Department of Civil Supplies.

(11) The Hon'ble Sri Nikunja Behary Maity, to be Minister in charge of the Department of Co-operation, Credit, Relief and Rehabilitation.

(12) The Hon'ble Sri Jadabendra Nath Panja, to be Minister in charge of the Department of Agriculture and Veterinary.

BY COMMAND,
B. N. CHAKRAVARTY,
Secy. to the Governor of West Bengal.

By order of the Governor.
S. B. BAPAT,
Jt. Secy. to the Govt. of West Bengal.

JUDICIAL DEPARTMENT.

Registration.

NOTIFICATION.

No. 23Regn.—22nd January 1948.—In pursuance of section 5, sub-section (*1*) of the Indian Registration Act, 1908 (XVI of 1908), and in supersession of all previous notifications defining the limits of the registration sub-district of Krishnagar, in the district of Nadia, now called Navadwip, the Governor is pleased to direct that on and from the 20th August 1947 the said sub-district shall be deemed to have and shall have jurisdiction over the police-stations of Sadar (Kotwali), Navadwip, Chapra, Nakasipara, Kaliganj, Krishnaganj, Karimpur and Tehatta in the Sadar subdivision of the district of Navadwip.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

OFFICE OF THE SUBDIVISIONAL MAGISTRATE, JANGIPUR.

Jangipur, the 18th January 1948.

Under the provisions of rule 6(*1*) of Rules for Direct Election to District Boards, Part II, I, G. C. Mandal, Subdivisional Magistrate, Jangipur, and Returning Officer of Raghunathganj Constituency of the Murshidabad District Board, do hereby publish the final list of candidates for bye election in the said constituency in Form III below:—

FORM III.

[Rule 6(*1*).]

Murshidabad District Board.

Raghunathganj Constituency.

Final List of candidates for by-election.

For the seat reserved for a member of the minority community.

Serial No., name of candidate, address of the candidate and symbol assigned to the candidate.

1 Bhujanga Bhusan Das, village Teghori, post office, Rajput-Teghori, district Murshidabad—Hurricane Lamp.

2 Jagannath Singha, village Kadikola, post office Dayarampur, district Murshidabad —Cart.

3 Pankaj Kumar Das, village Daffarpur, post office, Raghunathganj, district Murshidabad—Flower (Marigold).

4 Taresh Chandra Choubey, village Bhabki, post office Khamra, district Murshidabad - Umbrella.

The poll will be taken on the 18th February 1948 between 10 a.m. and 4 p.m. at the polling station to be notified separately.

G. C MANDAL,
Returning Officer and
Subdivisional Officer, Jangipur

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ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
JUDICIAL DEPARTMENT.
Registration.

NOTIFICATION.

No 24Regn.—22nd January 1948.—In pursuance of section 5, sub-section (*1*) of the Indian Registration Act, 1908 (XVI of 1908), and in supersession of all previous notifications defining the limits of the registration sub-district of Krishnagar, in the district of Navadwip, the Governor is pleased to direct that on and from the 1st December 1947 the said sub-district shall be deemed to have and shall have jurisdiction over the police-stations of Sadar (Kotwali), Navadwip, Nabadwip, Nakasipara, Kaliganj and Krishnaganj in the Sadar subdivision of the said district.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

and published by the Superintendent, Govt. Ptg., West Bengal—West Bengal Govt. Press, Alipore, on the 27th January 1948.

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MONDAY, JANUARY 26, 1948

LIBRARY OF THE ... CALCUTTA

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATIONS.

No. 116A.R.—26th January 1948.—Whereas a difficulty has arisen as to the holding of the election in pursuance of notification No. 56A.R., dated the 15th January, 1948, published in the *Calcutta Gazette*, Part I, dated the 15th January 1948, at page 51, for the purpose of filling the vacancy caused by the resignation of Mr. K. Nooruddin of his seat as a member for the Calcutta South (Urban) Muhammadan Constituency of the West Bengal Legislative Assembly;

Now, therefore, in exercise of the power conferred by rule 121(*1*) of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, read with rule 125 of the said rules, the Governor is pleased to cancel the said notification and to direct that all proceedings in connection with the filling of the said vacancy shall be commenced anew.

No. 117A.R.—26th January 1948. In exercise of the power conferred by sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with sub-rule (*1*) of rule 121 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, and in supersession of notification No. 55A.R., dated the 15th January 1948, the Governor is pleased to fix the 31st March 1948, as the date before which the Calcutta South (Urban) Muhammadan Constituency of the West Bengal Legislative Assembly shall elect a member to fill the vacancy caused by the resignation of Mr. K. Nooruddin, a member deemed to have been elected for the said constituency under the provisions of the India (Provincial Legislatures) Order, 1947, when the said constituency is called upon to do so under the said sub-rule.

No. 118A.R.—26th January 1948.—Whereas a vacancy has been caused by the resignation of Mr. K. Nooruddin of his seat as a member for the Calcutta South (Urban) Muhammadan Constituency of the West Bengal Legislative Assembly.

Now, therefore, in exercise of the power conferred by sub-rule (*1*) of rule 121 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is hereby pleased to call upon the said Calcutta South (Urban) Muhammadan Constituency to elect a person for the purpose of filling the vacancy so caused before the 31st March, 1948, which is the date fixed in that behalf by the Governor under notification No. 117A.R., dated the 26th January, 1948.

No. 119A.R.—26th January 1948. In exercise of the power conferred by sub-rule (2) of rule 4 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, and in supersession of notification No. 57A.R., dated the 15th January, 1948, the Governor is hereby pleased to publish the following dates fixed by him under sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative

Assemblies) Order, 1936, read with clauses (*a*), (*b*) and (*c*) of sub-rule (*2*) of the said rule for the doing of acts in connection with the by-election to be held in the Calcutta South (Urban) Muhammadan Constituency of the West Bengal Legislative Assembly in pursuance of notification No. 118A.R., dated the 26th January, 1948, mentioned respectively opposite each such date:—

Date on or before which nominations of candidates are to be made—7th February, 1948.

Date on which scrutiny of nominations is to be held- 9th February, 1948.

Date on or before which candidatures may be withdrawn—10th February, 1948.

No. 120A.R.—26th January, 1948.—In exercise of the power conferred by sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with sub-rule (*2*) of rule 40 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, and in supersession of notification No. 59A.R., dated the 15th January, 1948, the Governor is pleased to fix the 27th February, 1948, as the date on or before which a presiding officer, polling officer or polling agent or public servant, who, being an elector of the Calcutta South (Urban) Muhammadan Constituency of the West Bengal Legislative Assembly, is duly authorised or appointed for duty at a polling station at which he is not entitled to vote, shall apply to the Returning Officer of the constituency for a certificate entitling him to vote at that polling station but at no other in connection with the by-election to be held in pursuance of notification No. 118A.R., dated the 26th January, 1948

No. 121A.R.—26th January, 1948.—In exercise of the powers conferred by sub-rule (*2*) of rule 1 and sub-rule (*1*) of rule 23 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, and in supersession of notification No. 58A.R., dated the 15th January, 1948, the Governor is pleased to publish the following date which has been fixed by him under sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with clause (*d*) of sub-rule (*2*) of rule 4 of the said rules as the date on which a poll shall, if necessary, be taken, and the following hours which have also been fixed by him under sub-rule (*1*) of rule 23 of the said rules for polling at the by-election to be held in the Calcutta South (Urban) Muhammadan Constituency of the West Bengal Legislative Assembly in pursuance of notification No. 118A.R., dated the 26th January, 1948:—

Date on which a poll shall, if necessary, be taken.	Hours for polling.	
	Hour at which the poll shall commence.	Hour at which the poll shall close
1st March 1948 ..	9-30 a.m.	5-30 p.m.

No. 122A.R.—26th January, 1948.—In exercise of the power conferred by sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with sub-rule (*1*) of rule 44 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, and in supersession of notification No. 60A.R., dated the 15th January, 1948, the Governor is pleased to fix the 3rd March, 1948, as the date for the counting of votes at the by-election to be held in the Calcutta South (Urban) Muhammadan Constituency of the West Bengal Legislative Assembly in pursuance of notification No. 118A.R., dated the 26th January, 1948.

By order of the Governor,

S. B. BAPAT,

Jt. Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 26th January 1948.

The Calcutta Gazette

Extraordinary

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WEDNESDAY, JANUARY 28, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, e.c.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF LAND AND LAND REVENUE.

Land Acquisition.

NOTIFICATION.

Burdwan.—No. 810L.A.(P.W.).—27th January 948.—Whereas it appears to the Governor that and is likely to be required to be taken by Government at the public expense for a public purpose, iz., for the Locomotive Building Works Project, East Indian Railway (Mihijam) (Block "B"), in he village of Durgadi, thana Salanpur, pargana Pandra, district Burdwan, it is hereby notified hat for the above purpose a piece of land comrising cadastral plot Nos. 1 to 178, 193 to 211 17, 218, 220 to 229, 232 and 246 to 249 and parts f cadastral survey plot Nos. 179, 180, 191, 192, 12 to 214, 216, 230, 231, 233 and 250, nd measuring, more or less, 239·29 acres, is likely to be required within the aforesaid village of Durgadi.

This notification is made, under the provisions of section 4 of Act I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the Special Land Acquisition Officer, Burdwan, as well as in that of the General Manager, East Indian Railway at Fairlie Place, Calcutta.

In exercise of the powers conferred by the aforesaid section, the Governor is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

Any person interested in so much of the above land, as are not waste and arable, who has any objection to the acquisition thereof, may, within

thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the Collector of Burdwan.

In exercise of the powers conferred by section 17(4) of the Land Acquisition Act, I of 1894, as amended by Act XXXVIII of 1923, the Governor is pleased to direct that the provisions of section 5A of the Act shall not apply to the waste or arable portion of the land in this case.

DECLARATION.

Burdwan.—No. 834L.A.(P.W.).—27th January 1948.—Whereas it appears to the Governor that land is required to be taken by Government at the public expense for a public purpose, viz., for Locomotive Building Works Project, East Indian Railway, in the village of Sundarpahari, jurisdiction list No. 49, in thana Salanpur, pargana Pandra, district Burdwan, it is hereby declared that for the above purpose a piece of land comprising cadastral survey plot Nos. 50-52, 72, 75 106-110, 112-122, 124-142, 208-221, 244, 253, 254, 366, 373, 418, 420-422, 519, 520, 537-551, 568-579, 597, 598, 602-608, 644-781, 787-909, 911-912, 949-951, 957-1030, 1038-1044, 1053-1147, 1149-1193, 1196-1208, 1210-1238, 1240, 1251-1326, 1328-1360, 1362-1369, 1450-1467, 1470, 1507, 1508, 1514-1519, 1520-1523, 1527-1529, 1531-1537, 1539, 1540, and parts of cadastral survey plot Nos. 222, 224, 226, 227, 230, 231, 234, 235, 237, 242, 243, 245, 248-252, 255, 256, 315, 320, 321-323, 365, 367, 370-372, 374-376, 413, 414, 416, 417, 419, 423, 489, 494-496, 517, 518, 521, 529, 531, 532, 535, 536, 552, 558, 562, 564-567, 580, 596, 598, 601, 609, 614-619, 637-639, 782, 783, 785, 786, 910, 914, 930-933, 936, 937, 940, 941, 943, 947, 948, 952, 953, 955, 956, 1031, 1034, 1035, 1037, 1047, 1048, 1051, 1052, 1195, 1209, 1241, 1247, 1250, 1371-1373, 1448, 1449, 1468, 1469, 1471, 1473, 1476, 1493, 1505, 1510 and 1530 and measuring, more or less, 577·78 acres, is required within the aforesaid village of Sundarpahari.

Mines of coal, iron-stone, slate or other mineral lying under the land or any particular portion of the land, except only such parts of the mines and minerals as it may be necessary to dig, or carry away, or use, in the construction of the work for the purpose of which the land is being acquired, are not needed.

This declaration is made, under the provisions of section 6 of Act I of 1894, and section 3, clause (f), Act XVIII of 1885, to all whom it may concern.

A plan of the land may be inspected in the office of the Special Land Acquisition Officer, Burdwan, as well as in that of the Engineer-in-chief, Locomotive Building Works Project, East Indian Railway, Asansol.

By order of the Governor,

S. BANERJEE,

Member, Board of Revenue, and Secy. to the Govt. of West Bengal (ex-officio)

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CALCUTTA.

Extraordinary

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THURSDAY, JANUARY 29, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

ORDER.

No. L.S.-G.-1707/47/IC.—28th January 1948. In exercise of the power conferred by section 44 of the Calcutta Municipal Act, 1923 (Bengal Act III of 1923), the Governor is pleased to direct that Form I (Nomination Paper) appended to the Rules for the Conduct of Elections published with notification No. 340M., dated the 9th February 1942, shall be deemed, for purposes of the next elections to the Corporation of Calcutta, to have been amended as follows:—

Amendment.

For the note against below the portion of the form to be filled up by the candidate, his proposer and his seconder *substitute* the following, namely:

"Not to be entered in the case of a Special Non-Territorial Constituency or Labour Constituency specified in Schedule III to the Act".

By order of the Governor,

S. K. GUPTA,

Secy. to the Govt. of West Bengal.

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SATURDAY, JANUARY 31, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

FINANCE DEPARTMENT.

NOTIFICATION.

No. 663F.B.—31st January 1948.—The Government of West Bengal are pleased to declare Saturday, the 31st January 1948, as a Public Holiday under the Negotiable Instruments Act in respectful homage of Mahatma Gandhi.

By order of the Governor,

S. K. MUKHARJI,

Secy. to the Govt. of West Bengal.

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FRIDAY, JANUARY 30, 1948.

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

OFFICE OF THE COMMISSIONER, PRESIDENCY DIVISION.

NOTIFICATIONS.

No. 77M.—27th January 1948.—In accordance with section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), it is hereby notified for general information that the following gentleman has been duly elected Commissioner of the Panihati Municipality in the district of the 24-Parganas at the fresh election of Commissioner held under section 42 of the Bengal Municipal Act:—

Ward No.		Name of Commissioner.
1	...	Sri Bhola Nath Chatterjee.

No. 84M.—27th January 1948.—In acc[illegible]anc with section 50 of the Bengal Municipal Act, 193 (Bengal Act XV of 1932), it is hereby notified fo general information that Sri Gosta Behari Sadhu khan has been duly elected Commissioner of th Barrackpore Municipality in the district of th 24-Parganas under section 39 of the Act, *vi* Quazi Abu Mohammad.

J. N. TALUKDAR,

Commissioner, Presidency Division

Printed and published by the Superintendent, Govt. Ptg., West Beng at West Bengal Govt. Press, Alipore, on the 30th January 194

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The Calcutta Gazette

Extraordinary

Published by Authority

MONDAY, FEBRUARY 2, 1948.

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committee presented or to be presented to that Assembly; and Bills published before introduction in the Assembly.

GOVERNMENT OF WEST BENGAL.
JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1631L.—30th January, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules the publication of the following Bill together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL SPECIAL BENCHES (CONTINUANCE) BILL, 1948.

A BILL

to provide for the continuance of the Special Benches constituted under the Bengal Criminal Law Amendment Ordinance, 1947, and for the disposal of cases pending before them.

WHEREAS the provisions of the Bengal Criminal Law Amendment Ordinance, 1947, as enacted and continued in operation by and under the Bengal Ordinances Temporary Enactment Act, 1947 (hereinafter referred to as "the said provisions"), are temporary in their duration; Ben. Ord. 1 of 1947. Ben. Act I of 1947.

AND WHEREAS it is expedient that the Special Benches constituted under the said provisions should be continued and the cases which were allotted to them before the commencement of this Act and are pending before them at such commencement should be disposed of by the said Benches in accordance with the said provisions;

It is hereby enacted as follows:—

Short title and commencement.

1. *(1)* This Act may be called the West Bengal Special Benches (Continuance) Act, 1948.

(2) It shall come into force on the date on which the said provisions cease to operate under the Bengal Ordinances Temporary Enactment Act, 1947.

The West Bengal Special Benches (Continuance) Bill, 1948.

(Clause 2.)

Continuance of the Special Benches and disposal of pending cases.

2. Notwithstanding the expiry of the said provisions it shall be lawful—

(*a*) for the Special Benches constituted thereunder before the commencement of this Act to dispose of, in accordance with the said provisions, the cases which having been allotted to them thereunder are pending before them at such commencement, and

(*b*) for the Provincial Government to reconstitute, in accordance with the said provisions, if necessary, such Special Benches or any of them, for such disposal of the said cases as aforesaid,

and the said Special Benches whether, reconstituted as aforesaid or not, shall continue to function as such till the disposal of the said cases as if the said provisions had not expired.

STATEMENT OF OBJECTS AND REASONS.

The provisions of the Bengal Criminal Law (Amendment) Ordinance, 1947 (Bengal Ordinance I of 1947) as enacted and continued in operation by Bengal Act I of 1947 prescribing *ter alia* special procedure for trial of cases arising out of communal disturbances will expire on the 16th March, 1948. Before the Special Benches constituted under the Ordinance several cases are still pending which are not likely to be disposed of before the 16th March, 1948, and some fresh cases are going to be allotted to those Benches before that date. This Bill provides for the continuance of the Special Benches for the trial of the pending cases.

NIHARENDU DUTT-MAJUMDAR,
Minister-in-charge.

CALCUTTA:
The 30th January, 1948.

By order of the Governor,

B. K. GUHA,
Secy. to the Govt. of West Bengal.

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MONDAY, FEBRUARY 2, 1948

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly: and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL.

Judicial and Legislative (Legislative) Department.

NOTIFICATION.

No. 1701L.—2nd February, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL MOTOR SPIRIT SALES TAXATION (AMENDMENT) BILL, 1948.

A

BILL

to extend the operation of the Bengal Motor Spirit Sales Taxation (Amendment) Act, 1946.

WHEREAS it is expedient to extend the operation of the Bengal Motor Spirit Sales Taxation (Amendment) Act, 1946; Ben. Act XIII of 1946.

It is hereby enacted as follows:—

Short title.

1. This Act may be called the West Bengal Motor Spirit Sales Taxation (Amendment) Act, 1948.

Amendment of section 1 of Bengal Act XIII of 1946.

2. Sub-section (3) of section 1 of the Bengal Motor Spirit Sales Taxation (Amendment) Act, 1946 (hereinafter referred to as the said Act), shall be omitted.

Amendment of section 2.

3. In section 2 of the said Act,—

(*a*) the words "During the continuance in force of this Act" shall be omitted, and

(*b*) for the words "the following shall be deemed to be" the words "the following shall be" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to continue in force on a permanent basis the present rate of taxation, viz., six annas per gallon, enacted by the Bengal Motor Spirit Sales Taxation (Amendment) Act, 1946, which is an Act of the Bengal Legislature and is due to expire on 31st March, 1948.

2. The tax will revert to the old rate of one anna and six pies per gallon after 31st March, 1948, unless this Bill is passed by the Legislature before that date. Continuance of the higher rate is necessary in the interest of revenue.

N. R. SARKER,
Minister-in-Charge.

CALCUTTA.
The 30th January, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL.

Judicial and Legislative (Legislative) Department.

NOTIFICATION.

No. 1711L.—2nd February, 1948. The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information :—

THE WEST BENGAL FINANCE (AMENDMENT AND REPEAL) BILL, 1948.

A

BILL

to amend certain Acts and to repeal certain other Acts.

WHEREAS it is expedient to re-enact the provisions of certain Finance Acts made by the Governor of Bengal under the legislative powers assumed to himself under the Proclamation, dated the 31st March, 1945, issued under section 93 of the Government of India Act, 1935, and for that purpose to make certain amendments in certain other Acts and to repeal the Bengal Finance Act, 1939 ; 26 Geo. V, c. 2. Ben. Act IX of 1939.

AND WHEREAS since the said Acts made by the Governor of Bengal will, by virtue of the provisions of article 6 of the India (Provisional Constitution) Order, 1947, read with sub-section (*4*) of the said section 93, cease to have effect on such re-enactment, it is expedient that these Acts should be expressly and specifically repealed ;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the West Bengal Finance (Amendment and Repeal) Act, 1948.

Temporary amendment of Bengal Act V of 1922.

2. During the period ending the 31st March, 1949—

(*1*) the rate of entertainments tax prescribed in sub-section (*3*) of section 3 of the Bengal Amusements Tax Act, 1922 (hereinafter in this section referred to as the said Act), shall, in the case of payments for admission to any cinematograph exhibition, be deemed to be as if for items (*i*) to (*ix*) of the scale of rates specified in the said sub-section the following items had been substituted, namely,— Ben. Act V of 1922.

"(*i*) is more than three annas but is not more than four annas	half an anna,
(*ii*) is more than four annas but is less than eight annas	one anna,
(*iii*) is eight annas or more but is less than twelve annas	two annas,
(*iv*) is twelve annas or more but is less than one rupee	three annas,
(*v*) is one rupee or more but is less than one rupee four annas	four annas,
(*vi*) is one rupee four annas or more but is less than one rupee eight annas ..	five annas,
(*vii*) is one rupee eight annas or more but is less than one rupee twelve annas ..	six annas,
(*viii*) is one rupee twelve annas or more but is less than two rupees ..	eight annas,
(*ix*) is two rupees or more but is less than two rupees eight annas ..	twelve annas,
(*x*) is two rupees eight annas or more but is less than three rupees eight annas	one rupee,
(*xi*) is three rupees eight annas or more ..	one-third of the payment excluding the amount of the tax, provided that where the amount of the tax so calculated is not a multiple of eight

The West Bengal Finance (Amendment and Repeal) Bill, 1948

(Clauses 3—5.)

annas the tax payable shall be the amount of the tax so calculated rounded off to the nearest eight annas",

and the entertainments tax imposed under the said sub-section on payments for admission to any cinematograph exhibition shall be charged, levied, and paid to the Provincial Government accordingly;

(2) in section 15 of the said Act,—

(a) the words and figures "as from the second day of April, 1922" shall be deemed to be omitted, and

(b) for the words "four *per cent.*" in both places where they occur, the words "fifteen *per cent.*" shall be deemed to be substituted,

and the totalisator tax imposed under the said section 15 shall be charged, levied, and paid to the Provincial Government accordingly ; and

(3) in section 18 of the said Act,—

(a) the words and figures "as from the second day of April, 1922" shall be deemed to be omitted, and

(b) for the words "four *per cent.*" the words "fifteen *per cent.*" shall be deemed to be substituted,

and the betting tax imposed under the said section 18 shall be charged, levied, and paid to the Provincial Government accordingly.

Temporary amendment of Bengal Act X of 1935.

3. During the period ending the 31st March, 1949, for article (*1*) of the rates of duty specified in the First Schedule to the Bengal Electricity Duty Act, 1935, the following article shall be deemed to be substituted, namely:— Ben. Act X of 1935.

"(*1*) in respect of all premises not falling under article (*2*)—

(*a*) when the net charge of the license for the supply of energy for the purpose of lights or fans or both does not exceed three annas for each unit of energy consumed as follows, namely -

in the case of a consumer whose consumption of energy during the month to which the calculation of duty relates,

(*i*) does not exceed fifteen units	nil,
(*ii*) exceeds fifteen units but does not exceed fifty units	six pies for each unit of energy consumed,
(*iii*) exceeds fifty units ..	one anna for each unit of energy consumed,
(*b*) in other cases ..	six pies for each unit of energy consumed.

Explanation.— In this article the expression 'net charge' means the amount of charge that remains after deduction from the charge of the licensee for the supply of energy any rebate allowed by the licensee for prompt payment."

and the electricity duty imposed under section 3 of the Bengal Electricity Duty Act, 1935, shall be charged, levied, and paid to the Provincial Government accordingly.

Amendment of section 5 of Bengal Act VI of 1941.

4. In section 5 of the Bengal Finance (Sales Tax) Act, 1941— Ben. Act VI of 1941.

(*a*) in sub-section (*1*), for the words "one-half" the words "three-quarters" shall be substituted, and

(*b*) in clause (*b*) of sub-section (*2*), for the words "three *per centum*" the words "four and one-half *per centum*" shall be substituted.

Repeal of Bengal Act IX of 1939.

5. The Bengal Finance Act, 1939, is hereby repealed : Ben. Act IX of 1939.

Provided that without prejudice to the provisions of the Bengal General Clauses Act, 1899, relating to the effect of repeals, this repeal shall not affect— Ben. Act of 1899.

(*a*) the recovery of any tax, the liability in respect of which accrued under the Bengal Finance Act, 1939, before such repeal, or the liability for any penalty in respect of the non-payment of such tax, or the grant of any refund of such tax; or

The West Bengal Finance (Amendment and Repeal) Bill, 1948.

(Clause 6 and the schedule.)

(*b*) the continuance of any rules made under the Bengal Finance Act, 1939, in so far as such continuance may be necessary for such recovery or for any investigation, legal proceeding or remedy in respect of such liability, Ben. Act IX of 1939.

and any such liability may be enforced or refund granted or investigation, proceeding or remedy instituted, continued or enforced, as if this Act had not been passed.

Repeal of certain Acts.

6. The Acts specified in the Schedule are hereby repealed to the extent mentioned in the corresponding entries in the fourth column thereof.

THE SCHEDULE.

REPEALS.

(*See* section 6.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1945	II	The Bengal Finance Act, 1945 ..	The whole.
1945	VIII	The Bengal Finance (Sales Tax) Amendment Act, 1945.	The whole.
1945	IX	The Bengal Finance (No. II) Act, 1945 ..	The whole.
1946	III	The Bengal Finance (Repealing) Act, 1946	The whole.

STATEMENT OF OBJECTS AND REASONS.

The objects of this Bill are:—

(*1*) To continue in force for a further period of one year ending 31st March, 1949, the present rates of entertainments tax and electricity duty enacted by the Bengal Finance Act, 1945, a Governor's Act, which is due to expire on 31st March, 1948.

(*2*) To continue in force for a further period of one year ending 31st March, 1949, the present rate of the totalisator and betting taxes levied by the Bengal Finance (No. II) Act, 1945, which is a Governor's Act and is due to expire on 31st March, 1948.

(*3*) To continue in force on a permanent basis the present rate of Sales Tax, viz., three-quarters of an anna in the rupee enacted by the Bengal Finance (Sales Tax) Amendment Act, 1945, a Governor's Act, which will, under the provisions of article 6 of the India (Provisional Constitution Order), 1947, read with sub-section (*4*) of section 93 of the Government of India Act, 1935, automatically lapse on 24th April, 1948, unless re-enacted by the Legislature.

(*4*) To repeal the Bengal Finance Act, 1939, imposing a tax at the flat rate of Rs. 30 per year on persons in trade, profession, calling and employment. The tax was actually repealed by the Bengal Finance (Repealing) Act, 1946, but as this repealing Act is a Governor's Act, it requires to be re-enacted by the Legislature before 24th April, 1948, the date on which it will automatically lapse under the provisions of article 6 of the India (Provisional Constitution Order), 1947, read with sub-section (*4*) of section 93 of the Government of India Act, 1935.

2. Unless this Bill is passed, the rates of taxes in respect of items (*1*), (*2*) and (*3*) above will, after 31st March, 1948, or 24th April, 1948, as the case may be, revert to the lower rates originally imposed. Continuance of the higher rates is necessary in the interest of revenue. The passage of the Bill will also ensure that the flat rate tax on professions, trades, callings and employments which is open to serious administrative and other objections will not revive after 24th April, 1948.

N. R. SARKER,
Minister-in-Charge.

CALCUTTA.

The 30th January, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 2nd February 1948.

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MONDAY, FEBRUARY 2, 1948

LIBRARY OF THE WEST BENGAL LEGISLATURE CALCUTTA.

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATIONS.

No. 143A.R.—2nd February, 1948.—It is hereby notified that Shri Debi Prosad Khaitan has, by writing under his hand, addressed to His Excellency the Governor, resigned his seat as a member of the West Bengal Legislative Assembly for the Indian Chamber of Commerce Constituency in the forenoon of the 24th January, 1948.

No. 144A.R.—2nd February, 1948.—In exercise of the power conferred by sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with sub-rule (*1*) of rule 121 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is pleased to fix the 1st March, 1948, as the date before which the Indian Chamber of Commerce Constituency of the West Bengal Legislative Assembly shall elect a member to fill the vacancy caused by the resignation of Shri Debi Prosad Khaitan, a member deemed to have been elected for the said constituency under the provisions of the India (Provincial Legislatures) Order, 1947, when the said constituency is called upon to do so under the said sub-rule.

No. 145A.R.—2nd February, 1948.—Whereas a vacancy has been caused by the resignation of Shri Debi Prosad Khaitan of his seat as a member for the Indian Chamber of Commerce Constituency of the West Bengal Legislative Assembly;

Now, therefore, in exercise of the power conferred by sub-rule (*1*) of rule 121 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is hereby pleased to call upon the said Indian Chamber of Commerce Constituency to elect a person for the purpose of filling the vacancy so caused before the 1st March, 1948, which is the date fixed in that behalf by the Governor under notification No. 144-A.R., dated the 2nd February, 1948.

No. 146A.R.—2nd February, 1948.—In exercise of the power conferred by sub-rule (2) of rule 4 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is hereby pleased to publish the following dates fixed by him under sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with clauses (*a*), (*b*) and (*c*) of sub-rule (2) of the said rule for the doing of acts, in connection with the by-election to be held in the Indian Chamber of Commerce Constituency of the West Bengal Legislative Assembly in pursuance of notification No. 145A.R., dated the 2nd February, 1948, mentioned respectively opposite each such date:—

Date on or before which nominations of candidates are to be made—10th February, 1948.

Date on which scrutiny of nominations is to be held—11th February, 1948.

Date on or before which candidatures may be withdrawn—12th February, 1948.

By order of the Governor,

S. B. BAPAT,

Jt. Secy. to the Govt. of West Bengal.

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT AND JAILS.

Local Self-Government.

NOTIFICATION.

No. L.S.-G.1M/6/48.—2nd February 1948.—Whereas the four years' term under clause (*a*) of sub-section (*1*) of section 56 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), of the present body of commissioners of the Taki Municipality in the district of the 24-Parganas will not expire before the month of August 1948;

And whereas the formation of a new board of the said municipality is not possible before the term of the existing board normally expires;

Now, therefore, the Governor is pleased to rescind the notification No. L.S.-G.1M/6/48, dated the 15th January 1948, publishing the names of the elected commissioners of the Taki Municipality in the *Calcutta Gazette, Extraordinary*, dated the 16th January 1948.

By order of the Governor,

S. K. GUPTA,

Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 2nd February 1948

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Political.

NOTIFICATION.

No. 689P.—4th February 1948.—Whereas the Provincial Government is of opinion that every association in the Province known as Rashtriya Swayam Sewak Sangh constitutes a danger to public peace:

Now, therefore, in exercise of the powers conferred by section 16 of the Criminal Law Amendment Act, 1908 (XIV of 1908), the Provincial Government is pleased to declare every such association to be unlawful.

By order of the Governor,

R. GUPTA,

Secy. to the Govt. of West Bengal.

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ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Political.

NOTIFICATION.

No. 699P.—4th February 1948.—In exercise of ie power conferred by sub-section (2) of section of the Manœuvres, Field Firing and Artillery ractice Act, 1938 (V of 1938), the Governor is leased to authorise the carrying out of field firing nd artillery practice during the period from the th February 1948 to the 31st December 1948 roughout the area in the district of 24-Parganas escribed in notice No. 1343P., dated the 4th ecember 1947, and defined in notifications os. 4538P., dated the 25th August 1939, and 38P., dated the 26th March 1947.

By order of the Governor,

S. SEN,

Chief Secy. to the Govt. of West Bengal.

DEPARTMENT OF LAND AND LAND REVENUE.

Land Acquisition.

NOTIFICATION.

Burdwan.—No. 1061L.A.(P.W.).—4th February 948.—Whereas it appears to the Governor that and is likely to be required to be taken by Governnent at the public expense for a public purpose, iz., for the Locomotive Building Works Project

(Block "C"), in the village of Amladahi, jurisdiction list No. 48, thana Salanpur, pargana Pandra, district Burdwan, it is hereby notified that for the above purpose a piece of land comprising cadastral survey plot Nos. 1-1461, covering the entire village of Amladahi, and measuring, more or less, 856·65 acres, is likely to be required within the aforesaid village of Amladahi.

This notification is made, under the provisions of section 4 of the Land Acquisition Act, I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the Special Land Acquisition Officer, Burdwan, as well as in that of the General Manager, East Indian Railway, Fairlie Place, Calcutta.

In exercise of the powers conferred by the aforesaid section, the Governor is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

Any person interested in so much of the above land, as are not waste or arable, who has any objection to the acquisition thereof, may, within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the Collector of Burdwan.

In exercise of the powers conferred by section 17(4) of the Land Acquisition Act, I of 1894, as amended by Act XXXVIII of 1923, the Governor is pleased to direct that the provisions of section 5A of the Act shall not apply to the waste or arable portion of the land in this case.

By order of the Governor,

S. BANERJEE,

Member, Board of Revenue, and Secy. to the Govt. of West Bengal (ex-officio)

Printed and published by the Superintendent, Govt. Printing, West Bengal, at West Bengal Govt. Press, Alipore, on the 5th Feb. 1948

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Part I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

No. 155A.R.—5th February 1948.—The following order by His Excellency the Governor, dated the 5th February 1948, is published for general information :—

"Order.

In exercise of the power conferred by clause (*a*) sub-section (2) of section 62 of the Government India Act, 1935, I hereby summon the Legislative Assembly of West Bengal to meet at 2-30 p.m. on Tuesday, the 10th February 1948, in the Legislative Chamber, Calcutta.

C. RAJAGOPALACHARI,
Governor of West Bengal."

CALCUTTA ;
The 5th February 1948.

By order of the Governor,
S. B. BAPAT,
Jt. Secy. to the Govt. of West Bengal.

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ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

FINANCE DEPARTMENT.

Audit.

NOTIFICATION.

No. 240F.—5th February 1948.—In exercise of ie power conferred by the Explanation to section 5 of the Negotiable Instruments Act, 1881 (XXVI f 1881), read with sub-section (2) of section 8 of he Indian Independence Act, 1947, and the Government of India, Home Department, notifiation No. 228/37-Public, dated the 1st April 938, the Governor is pleased to declare Thursday, he 12th February 1948, as a public holiday on ccount of the immersion ceremony of Mahatma Gandhi's ashes.

By order of the Governor,

S. K. MUKHARJI,

Secy. to the Govt. of West Bengal

ed and published by the Superintendent, Govt. Ptg., West Bengal. est Bengal Govt. Press, Alipore, on the 5th February 1948.

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RT I—Orders and Notifications by the Governor of st Bengal, the High Court, Government Treasury, etc

GOVERNMENT OF WEST BENGAL

EST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATION.

No. 2551-A.—6th February, 1948.—Whereas a ancy has occurred in the Constituent Assembly India by reason of the resignation of Shri ukunda Behary Mullick, a member elected to the al Assembly by the General Part of the West ngal Legislative Assembly:

And whereas the Hon'ble Speaker of West ngal Legislative Assembly has been requested the President of the Constituent Assembly for e election of a person for the purpose of filling e vacancy:

Now, therefore, in exercise of the power conred by sub-rule (6) of rule 5 of the Constituent sembly Rules, the Hon'ble Speaker of the West ngal Legislative Assembly has been pleased to

appoint the following dates for the doing of acts in connection with the election for the purpose of filling that vacancy mentioned respectively opposite each such date:—

Date on or before which nominations of candidates are to be made—The 10th February, 1948, up to 3 p.m.

Date on which the scrutiny of nominations is to be made—The 11th February, 1948, at 12 noon.

Date on or before which candidatures may be withdrawn—The 13th February, 1948, up to 11 a.m.

Date on which a poll shall, if necessary, be taken—The 14th February, 1948.

Note.—The hours for polling and the place at which the poll shall be taken are specified in the 1st and 2nd columns of the Schedule below:—

The Schedule.

Hours for polling.		
Hour at which poll shall commence.	Hour at which poll shall close.	Place for polling
1		2
11 a.m.	1 p.m.	Legislative Chamber in the Legislative Building, Calcutta (excluding the lobbies surrounding the said Chamber).

By order of the Speaker,

A. R. MUKHERJEA,

Returning Officer and Secy. to the West Bengal Legislative Assembly

Printed and published by the Superintendent, Govt. Printing, Bengal, at West Bengal Govt. Press, Alipore, on the 6th Feb. 19

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MONDAY, FEBRUARY 9, 1948

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

2091L.—6th February, 1948.—The Governor has been pleased to order, under rule 47 of the Bengal Legislative Assembly Procedure Rules the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL REPEALING AND AMENDING BILL, 1948.

A BILL

to amend certain enactments and to repeal certain other enactments

WHEREAS it is expedient that certain amendments should be made in the enactments specified in the First Schedule;

AND WHEREAS it is also expedient that the enactments specified in the Second Schedule, which are spent or have otherwise become unnecessary, or have ceased to be in force otherwise than by expressed specific repeal, should be expressly and specifically repealed;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the West Bengal Repealing and Amending Act, 1948.

Amendment of certain enactments.

2. The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Repeal of certain enactments.

3. The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Savings.

4. The repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to; and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand or any indemnity already granted, or the proof of any past act or thing, nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed;

[*cf.* Ben. Act I of 1939, s. 4]

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

The First Schedule.

AMENDMENTS.

(*See* section 2.)

No.	Short title.	Amendments.	Remarks. (This column does not form part of the Bill.)
2	3	4	5
	Bengal Acts.		
III ..	The Calcutta Municipal Act, 1923 ..	In sub-section (*1*) of section 20—	These are now spent.
		(*a*) in clause (*a*) the words and figures "or, in the case of the first general election under this Act, under the corresponding chapters of the Calcutta Municipal Act, 1899",	

The West Bengal Repealing and Amending Bill, 1948.

(The Second Schedule.)

Year.	No.	Short title.	Amendments.	Remarks. (This column does not form the Bill.)
1	2	3	4	5
		Bengal Acts—*concld.*	(*b*) in clause (*b*) the words and figures "or, in the case of the first general election held under this Act, under the Calcutta Municipal Act, 1899", (*c*) in clause (*c*) the words and figures "or, in the case of the first general election held under this Act, under the corresponding chapter of the Calcutta Municipal Act, 1899", shall be omitted.	
1935	IV ..	The Bengal Workmen's Protection Act, 1934.	In sub-section (*1*) of section 1, for the figure "1934" the figure "1935" shall be substituted.	This is a formal amendme Act was passed in the y but was assented to by cellency the Governor G the year 1935. The am may be made for conve reference.
1936	VII ..	The Bengal Agricultural Debtors Act, 1935.	In sub-section (*1*) of section 1, for the figure "1935" the figure "1936" shall be substituted.	This is a formal amendme Act was passed in the y but was assented to Excellency the Governor G the year 1936. The am may be made for conve reference.
1938	III	The Bengal Famine Insurance Fund Act, 1937.	In section 1, for the figure "1937" the figure "1938" shall be substituted.	This a formal amendment was passed in the year 193 assented to by His Excell Governor in the year 19 amendment may be made venience of reference.
1940	X ..	The Bengal Money-lenders Act, 1940	(*1*) In the proviso (*ii*) to sub-section (*1*) of section 36, for the figure "1935" the figure "1936" shall be substituted. (*2*) In sub-section (*3*) of section 41 for the figure "1934" the figure "1935" shall be substituted.	This is consequential to am proposed in regard to the Agricultural Debtors Act This is consequential to the ment proposed in regard Bengal Workmen's Protect 1934.
		Central Acts.		
1836	X ..	The Bengal Indigo Contracts Act, 1836.	(*1*) In section 2, for the words, letters and figures ",Regulation VI, 1823, of the Bengal Code" the words and figures "of the Bengal Indigo Contracts Regulation, 1823" shall be substituted. (*2*) In section 4, for the words, letters and figures "Regulation VI of 1823, of the Bengal Code," the words and figures "the Bengal Indigo Contracts Regulation, 1823" shall be substituted.	These amendments substit short title of the Regul the year and number the convenience of reference
1885	VIII ..	The Bengal Tenancy Act, 1885 ..	In clause (*ii*) of sub-section (*2*) of section 54 the words "by rules made by the Provincial Government" shall be omitted.	These words are unnecess view of the definition of t "prescribed" in clause section 3. This is a purely quential amendment.

The Second Schedule.

REPEALS.

(See section 3.*)*

Year.	No.	Short title.	Extent of repeal.	Remarks. (This column does not form the Bill.)
1	2	3	4	5
		Bengal Acts.		
1941	II ..	The Bengal Rural Poor and Unemployed Relief (Amendment) Act, 1941.	The whole	This is an amending Act. It repealed under cover of sec of the Bengal General Claus 1899.
1941	III ..	The Bengal Local Self-Government (Amendment) Act, 1941.	Ditto	Ditto.
1941	IV ..	The Bengal Water-Hyacinth (Amendment) Act, 1941.	Ditto	Ditto.
1941	VII	The Eastern Frontier Rifles (Bengal Battalion Amendment) Act, 1941.	Ditto	Ditto.
1941	VIII ..	The St. Thomas' School (Amendment) Act, 1941.	Ditto	Ditto.
1941	IX ..	The Bengal Court of Wards (Amendment) Act, 1941.	Sections 2 and 3	These are amending sections can be repealed under co section 8A of the Bengal G Clauses Act, 1899.

The West Bengal Repealing and Amending Bill, 1948.

(The Second Schedule.)

r.	No.	Short title.	Extent of repeal	Remarks. (This column does not form part of the Bill)
	2	3	4	5
		Bengal Acts—*concld.*		
41	X ..	**The Bengal Patni Taluks Regulation (Amendment) Act, 1941.**	The whole ..	This is an amending Act. It can be repealed under cover of section 8A of the Bengal General Clauses Act, 1899.
42	I ..	**The Bengal Public Demands Recovery (Amendment) Act, 1942.**	Ditto ..	Ditto.
42	II ..	**The Bengal Agricultural Debtors (Amendment) Act, 1942.**	Ditto ..	Ditto.
42	III ..	**The Bengal Non-agricultural Tenancy (Temporary Provisions) Extending Act, 1942.**	Ditto . .	Ditto.
42	VII ..	**The Bengal Land Revenue Sales (Amendment) Act, 1942.**	Ditto .	Ditto.
42	VIII ..	**The Bengal Agricultural Debtors (Second Amendment) Act, 1942.**	Ditto ..	Ditto.
43	I ..	**The Calcutta and Suburban Police (Amendment) Act, 1943.**	Ditto ..	Ditto.
43	II ..	**The Bengal Land Revenue Sales (Amendment) Act, 1943.**	Ditto	Ditto.
43	III ..	**The Bengal Local Self-Government (Amendment) Act, 1943.**	Ditto .	Ditto.
43	IV ..	**The Bengal (Rural) Primary Education (Amendment) Act, 1943.**	Ditto	Ditto.
43	V ..	**The Bengal Non-agricultural Tenancy (Temporary Provisions) Extending Act, 1943**	Ditto	Ditto
43	VII ..	**The Bengal Vagrancy Act, 1943** .	Section 27 ..	This is a repealing section which is itself repealed by virtue of section 8 of the Bengal General Clauses Act, 1899
		Central Acts.		
870	XX ..	**The Court-fees Act (1870) Amendment Act, 1870.**	The whole	The subject-matter of this Act is relatable to entry 1 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (1 of 1938), passed by the Central Legislature but that repeal does not apply to West Bengal as the subject-matter of the Act relates exclusively to the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned it is necessary to repeal this Act which is an amending Act under cover of section 8A of the Bengal General Clauses Act, 1899
871	I ..	**The Cattle-trespass Act, 1871** ..	Section 2 and the Schedule	The subject matter of this Act is relatable to entry 20 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. Section 2 and the Schedule of this Act have been repealed by the Repealing Act, 1938 (1 of 1938), passed by the Central Legislature but that repeal does not apply to West Bengal as the subject-matter of the Act relates exclusively to the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned, section 2 and the Schedule which are repealing provisions may be repealed by virtue of section 8 of the Bengal General Clauses Act, 1899
1871	V ..	**The Prisoners Act, 1871** ..	So much as has not been repealed	The subject-matter of this Act is relatable to entries 1 and 4 of List II (Provincial Legislative List) of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (1 of 1938), but that repeal does not apply to West Bengal as the subject-matter of this Act relates to the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned, this Act should be also repealed by a repealing Act passed by the Provincial Legislature.

The West Bengal Repealing and Amending Bill, 1948.

(The Second Schedule.)

NA

Year.	No.	Short title	Extent of repeal.	Remarks. (This column does not form p the Bill.)
1	2	3	4	5
		Central Act—*contd.*		
1871	XXIII	The Pensions Act, 1871	Section 2 and the Schedule ..	The subject matter of this relatable to entry 7 of the P cial Legislative List of the Sc Schedule to the Governme India Act, 1935. Section 2 a Schedule of this Act have repealed by the Repealing 1938 (I of 1938), passed b Central Legislature but that does not apply to West Ben the subject-matter relates t Provincial Legislative List complete the legislative proc far as the Province of West I is concerned, section 2 an Schedule of this Act which r pealing provisions may, in so they apply to West Bengal, pealed by virtue of section 8 Bengal General Clauses Act, 1
1875	XIII	The Probate and Administration Act, 1875	So much as has not been repealed ..	The subject matter of this A relatable to entry 1 (fees tak Courts) in List II (Provincial lative List) of the Seventh Sch to the Government of India 1935. This Act has been re by the Repealing Act, 1938 1938), but that repeal doe apply to West Bengal as the ject-matter of the Act relates Provincial Legislative List complete the legislative proc far as the Province of West B is concerned this Act which amending Act may be repeal virtue of section 8A of the B General Clauses Act, 1899.
1876	XVI	The Stage carriages Act (1861) (Amendment) Act, 1876.	So much as has not been repealed .	The subject-matter of the A relatable to entry 18 of the Pr cial Legislative List of the Sev Schedule to the Government India Act, 1935. This Act ha repealed by the Repealing 1938 (I of 1938), passed by Central Legislature but that r does not apply to West Benga the subject-matter of this Ac lates to the Provincial Legis List. To complete the legisl process so far as the Provinc West Bengal is concerned, thi which is an amending Act may repealed by virtue of section 8 the Bengal General Clause 1899.
1881	VII ..	The Bengal Cess (Amendment No. 1) Act 1881.	The whole	The subject matter of this Act is table to entry 42 of the Provi Legislative List of the Sev Schedule to the Government India Act, 1935. The Act has b repealed by the Repealing Act (I of 1938), passed by the Cen Legislature but that repeal does apply to West Bengal as the s ject-matter of the Act relates to Provincial Legislative List complete the legislative proces far as the Province of West Ben is concerned, this Act which is amending Act may be repealed virtue of section 8A of the Ben General Clauses Act, 1899.
1881	X ..	The Coroners Act, 1881 ..	So much as has not been repealed ..	The subject-matter of this Act relatable to entry 1 of the Pro cial Legislative List of the Sev Schedule to the Government India Act, 1935. This Act has be repealed by the Repealing Act, 19 (I of 1938), passed by the Cent Legislature. But that repeal do not apply to West Bengal as th subject-matter of this Act relate to the Provincial Legislative Li This Act should therefore be re pealed also by a repealing Act pas ed by the Provincial Legislature

The West Bengal Repealing and Amending Bill, 1948.

(The Second Schedule.)

No.	Short title	Extent of repeal.	Remarks. (This column does not form part of the Bill.)
2	3	4	5
	Central Acts—*contd.*		
XV ..	The Presidency Small Cause Courts Act, 1882.	Sections 2, 3 and the First Schedule	The subject matter of this Act is relatable to entries 1 and 2 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. Sections 2, 3 and the First Schedule of this Act have been repealed by the Repealing Act, 1938 (1 of 1938), passed by the Central Legislature but that repeal does not apply to West Bengal as the subject-matter relates to the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned, section 2 and the First Schedule of this Act which are repealing provisions may be repealed by virtue of section 8 of the Bengal General Clauses Act, 1899, and section 3 of this Act which is an amending provision may be repealed under cover of section 8A of the Bengal General Clauses Act, 1899.
II ..	The Elephants Preservation Act (1879) Amendment Act, 1883	The whole ..	The subject matter of this Act is relatable to entry 29 of the Provincial List of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (1 of 1938), passed by the Central Legislature but that repeal does not apply to West Bengal as the subject-matter relates to the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned, this Act which is an amending Act may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899.
III .	The Transfer of Property Act (1882) Amendment Act, 1885	Ditto ..	The subject matter of this Act so far as the transfer of agricultural land is concerned is relatable to entry 21 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (1 of 1938), passed by the Central Legislature but that repeal does not apply to West Bengal as the subject-matter relates to the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned, this Act which is an amending Act may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899.
VIII ..	The Bengal Tenancy (Amendment) Act, 1886.	Ditto	The subject matter of this Act is relatable to entry 21 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (1 of 1938), passed by the Central Legislature but that repeal does not apply to West Bengal as the subject-matter relates to the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned, this Act which is an amending Act may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899.
IX ..	The Provincial Small Cause Courts Act, 1887.	So much of section 2 as has not been repealed.	The subject-matter of this Act is relatable to entries 1 and 2 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. Section 2 of this Act has been repealed by the Repealing Act, 1938, passed by the Central Legislature but that repeal does not apply to West Bengal as the subject matter of the Act relates to the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned, section 2 of this Act which is a repealing provision may be repealed under cover of section 8 of the Bengal General Clauses Act, 1899.

The West Bengal Repealing and Amending Bill, 1948.

(The Second Schedule.)

Year.	No.	Short title	Extent of repeal.	Remarks. (This column does not form pa the Bill.)
1	2	3	4	5
		Central Acts—*contd.*		
1889	VII	The Succession Certificate Act, 1889	So much as has not been repealed ..	The subject-matter of this Act is table to entry 1 (fees taken in c in List II (Provincial Legisl List) of the Seventh Schedule t Government of India Act, This Act has been repealed by Central Legislature by the Re ing Act, 1938 (I of 1938), but repeal does not apply to Bengal as the subject-matter Act relates to the Provincial L lative List. To complete the lative process so far as the Pro of West Bengal is concerned, Act which is an amending Act be repealed by virtue of se 8A of the Bengal General Cl Act, 1899.
1890	XVI	The Births, Deaths and Marriages Registration Act (1886) Amendment Act, 1890	Ditto .. .	The subject-matter of this Act table to entry 14 (registrati births and deaths) of the Prov Legislative List of the Sev Schedule to the Governmen India Act, 1935. This Act has repealed by the Repealing Act, (I of 1938), passed by the Ce Legislature but that repeal doe apply to West Bengal a subject-matter of the Act relat the Provincial Legislative List complete the legislative proce far as the Province of West Be is concerned, this Act which amending Act may be repeale virtue of section 8A of the Be General Clauses Act, 1899
1891	I	The Cattle Trespass Act (1871) Amendment Act, 1891	Ditto . ..	The subject-matter of this Act is table to entry 20 of the Prov Legislative List of the Se Schedule to the Governmen India Act, 1935. This Act has repealed by the Repealing Act, (I of 1938), but that repeal does apply to West Bengal as subject-matter of this Act re to the Provincial Legislative To complete the legislative pr so far as the Province of Bengal is concerned, this Act w is an amending Act may be repe under cover of section 8A of Bengal General Clauses Act, 18
1891	XII ..	The Amending Act, 1891	Ditto	This Act covers the Provincial L in so far as it relates to enactm the subject-matter of which is table to any entry in the Provi Legislative List of the Sev Schedule to the Government India Act, 1935. This Act has repealed by the Repealing Act (I of 1938), passed by the Ce Legislature but that repeal does apply to those enactments subject-matter of which are table to any entry in the Provi Legislative List in so far as apply to West Bengal. To c plete the legislative process of the Province of West Benga concerned, this Act may be repe by virtue of section 8A of Bengal General Clauses Act, 18
1892	IV ..	The Court of Wards Act (Bengal) Amendment Act, 1892.	Ditto	The subject-matter of this Act is table to entry 21 of the Provi Legislative List of the Sev Schedule to the Government India Act, 1935. This Act has repealed by the Repealing Act, (I of 1938), passed by the Cen Legislature but that repeal does apply to West Bengal as subject-matter of the Act relate the Provincial Legislative List complete the legislative proces far as the Province of West Ben is concerned, this Act which is amending Act may be repealed virtue of section 8A of the Ben General Clauses Act, 1899.

The West Bengal Repealing and Amending Bill, 1948.

(The Second Schedule.)

No.	Short title.	Extent of repeal.	Remarks. (This column does not form part of the Bill.)
2	3	4	5
	Central Acts—*contd.*		
I ..	The Land Acquisition Act, 1894 ..	So much of section 2 as has not been repealed.	The subject-matter of this Act is relatable to entry 9 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. Section 2 of this Act has been repealed by the Repealing Act, 1938 (1 of 1938), passed by the Central Legislature but that repeal does not apply to West Bengal as the subject-matter of this Act relates to the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned, section 2 which is a repealing provision may be repealed by virtue of section 8 of the Bengal General Clauses Act, 1899.
IX ..	The Prisons Act, 1894 .	Section 2 and the Schedule ..	The subject-matter of the Act is relatable to entry 4 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. Section 2 and the Schedule of this Act have been repealed by the Repealing Act, 1938(1 of 1938), passed by the Central Legislature but that repeal does not apply to West Bengal as the subject-matter of the Act relates to the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned, section 2 and the Schedule of this Act which are repealing provisions may be repealed by virtue of section 8 of the Bengal General Clauses Act, 1899.
I ..	The Presidency Small Cause Courts Act, 1895.	So much as has not been repealed	This is an amending Act. It may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899. *See* also note in the remarks column under Act IX of 1887.
VIII ..	The Police Act (1861) Amendment Act, 1895.	The whole	The subject-matter of this Act is relatable to entry 3 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. This is an amending Act. It can be repealed under cover of section 8A of the Bengal General Clauses Act, 1899. *See* also note in the remarks column under Act IV of 1892.
I ..	The Public Servants (Inquiries) Act (1850) Amendment Act, 1897.	Sections 2, 3 and 4	The subject-matter of this Act is relatable to entry 38 read with entry 6 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (1 of 1938), passed by the Central Legislature but that repeal does not aply to West Bengal as the subject-matter of the Act relates to the Provincial Legislative List. To complete the legislative process this Act which is an amending Act may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899.
V ..	The Amending Act, 1897 ..	Sub-section (2) of section 2 and the Second Schedule.	Sub-section (2) of section 2 is an amending provision. It may be repealed under cover of section 8A of the Bengal General Clauses Act, 1899. The Second Schedule amends several enactments. These amending provisions so far as they relate to enactments applying to West Bengal may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899. *See* also note in the remarks column under Act XII of 1891.

The West Bengal Repealing and Amending Bill, 1948.

(The Second Schedule.)

Year.	No.	Short title.	Extent of repeal.	Remarks. (This column does not form part the Bill.)
1	2	3	4	5
		Central Acts—*contd.*		
1897	VIII	The Reformatory Schools Act, 1897	Sections 2 and 3	The subject-matter of this Ac relatable to entry 4 of the Provi Legislative List of the Sev Schedule to the Government India Act, 1935. Sections 2 a of this Act have been repealed the Repealing Act, 1938 (1 of 19 passed by the Central Legislat but that repeal does not appl West Bengal as the subject-mat of the Act relates to the Provi Legislative List. To complete legislative process so far as Province of West Bengal is cerned, sections 2 and 3 which repealing provisions may be repe by virtue of section 8 of the Be General Clauses Act, 1899.
1898	I	The Stage-Carriages Act (1861) Amendment Act, 1898.	So much as has not been repealed	The subject-matter of this Ac relatable to entry 18 of the vincial Legislative List of Seventh Schedule to the Gov ment of India Act, 1935. This has been repealed by the Repea Act, 1938 (1 of 1938), passed by Central Legislature but that re does not apply to West Benga the subject-matter falls within Provincial Legislative List complete the legislative proces far as the Province of West Be is concerned, this Act which i amending Act may be repealed virtue of section 8A of the Ben General Clauses Act, 1899.
1899	III	The Presidency Small Cause Courts Act, 1899.	Ditto	The note in the remarks column un Act IX of 1887 will apply t Act.
1899	X	The Carriers Act, 1899	Ditto	The subject-matter of this Act partly relatable to entry 18 of Provincial Legislative List of Seventh Schedule to the Gove ment of India Act, 1935. This Act has been repealed by Repealing Act, 1938 (1 of 19 passed by the Central Legislat but that repeal does not apply West Bengal as the subject-mat of the Act relates to the Provin Legislative List. To complete legislative process, so far as Province of West Bengal is c cerned, this Act which is an ame ing Act may be repealed by vir of section 8A of the Bengal Gen ClausesAct, 1899.
1899	XI	The Court-fees Amendment Act, 1899.	Ditto	The note in the remarks colu under Act XX of 1870 will apply this Act.
1899	XVIII	The Land Improvement Loans (Amendment) Act, 1899.	Ditto	The subject-matter of this Act relatable to entry 21 of the P vincial Legislative List of Seventh Schedule to the Gover ment of India Act, 1935. This has been repealed by the Repeali Act, 1938 (1 of 1938), passed by t Central Legislature, but that rep does not apply to West Bengal the subject-matter of the relates to the Provincial Legislat List. To complete the legislat process so far as the Province West Bengal is concerned, this which is an amending Act may repealed by virtue of section 8A the Bengal General Clauses 1899.
1900	II	The Transfer of Property Act, 1900	Ditto	The note in the remarks colu under Act III of 1885 will app to this Act.
1901	X	The Court-fees (Amendment) Act, 1901.	Ditto	The note in the remarks colu under Act XX of 1870 will app to this Act.
1903	I	The Amending Act, 1903	Section 3 and the Second Schedule	Section 3 is an amending provis which may be repealed by virtue section 8A of the Bengal Gener Clauses Act, 1899. The Secon Schedule in so far as it relates enactments applying to W Bengal may be repealed und section 8A of the Bengal Gener Clauses Act, 1899. *See* also note the remarks column under Act X of 1891.

The West Bengal Repealing and Amending Bill, 1948.

(The Second Schedule.)

No.	Short title.	Extent of repeal.	Remarks. (This column does not form part of the Bill.)
2	3	4	5
	Central Acts—*contd.*		
XIII ..	The Lepers (Amendment) Act, 1903	So much as has not been repealed ..	The subject-matter of this Act is relatable to entry 14 (Public Health and Sanitation) of List II (Provincial Legislative List) of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (I of 1938), passed by the Central Legislature, but that repeal does not apply to West Bengal as the subject-matter of the Act relates to the Provincial Legislative List. To complete the legislative process, so far as the Province of West Bengal is concerned, this Act which is an amending Act may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899.
VI ..	The Transfer of Property (Amendment) Act, 1904.	The whole	The note in the remarks column under Act III of 1885 will apply to this Act.
XV ..	The Indian Stamp (Amendment) Act, 1904.	The whole	The subject-matter of this Act is relatable to entry 51 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (I of 1938), passed by the Central Legislature but that repeal does not apply to West Bengal as the subject-matter of this Act relates to an entry in the Provincial Legislative List. To complete the legislative process, so far as the Province of West Bengal is concerned, this Act which is an amending Act may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899.
VI	The Court-fees (Amendment) Act, 1905.	Ditto	The note in the remarks column under Act XX of 1870 will apply to this Act.
IV ..	The Presidency Small Cause Courts Act, 1906.	So much as has not been repealed ..	The subject-matter of this Act is relatable to entries 1 and 2 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (I of 1938), passed by the Central Legislature but that repeal does not apply to West Bengal as the subject-matter of the Act relates to the Provincial Legislative List. To complete the legislative process, so far as the Province of West Bengal is concerned, this Act which is an amending Act may be repealed under cover of section 8A of the Bengal General Clauses Act, 1899.
V ..	The Indian Stamp (Amendment) Act, 1906.	Ditto	The provisions of this Act in so far as they relate to stamp duty in respect of policies of insurance fall under item 57 of the Federal Legislative List. The repeal of such provisions by Act I of 1938, therefore, applies to West Bengal. The provisions of this Act in so far as they relate to stamp duty in respect of other documents are within the Provincial Field and Act I of 1938 has not effected any repeal of those provisions in so far as they apply to West Bengal. This amendment is therefore necessary in West Bengal.
VIII ..	The Land Improvement and Agriculturists Loans (Amendment) Act, 1906.	Ditto	The note in the remarks column under Act XVIII of 1899 will apply to this Act.
IV ..	The Repealing and Amending (Rates and Cesses) Act, 1907.	The whole	This Act is spent in West Bengal. In order to remove it from the Statute Book, this repeal is necessary.
IV ..	The Coroners (Amendment) Act, 1908	So much as has not been repealed ..	The note in the remarks column under Act X of 1881 will apply to this Act.

The West Bengal Repealing and Amending Bill, 1948.

(The Second Schedule.)

Year.	No.	Short title.	Extent of repeal.	Remarks. (This column does not form part of the Bill.)
1	2	3	4	5
		Central Acts—*contd.*		
1908	XV ..	The Indian Ports Act, 1908 ..	Section 69 and Schedule II ..	This Act applies to both Major and Minor Ports of India. The subject-matter of this Act so far as Major Ports are concerned is relatable to entry 22 of the Union Legislative List of the Seventh Schedule to the Government of India Act, 1935, and so far as Minor Ports are concerned is relatable to entry 18 of the Provincial Legislative List of the Seventh Schedule. Section 69 and Schedule II have been repealed by the Repealing Act, 1938 (I of 1938), but that repeal does not apply to West Bengal in so far as the subject-matter of the Act falls within the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned, section 69 and Schedule II of this Act which is a repealing provisions may be repealed by virtue of section 8 of the Bengal General Clauses Act, 1899.
1910	VI ..	The Indian Stamp (Amendment) Act, 1910.	The whole	The note in the remarks column under Act XV of 1904 will apply to this Act.
1910	VII ..	The Court-fees (Amendment) Act, 1910.	Ditto	The note in the remarks column under Act XX of 1870 will apply to this Act.
1910	XII .	The Glanders and Farcy Law (Amendment) Act, 1910.	Ditto	The subject-matter of this Act is relatable to entry 20 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (I of 1938), passed by the Central Legislature but that repeal does not apply to West Bengal as the subject-matter of this Act falls within the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned, this Act which is an amending Act may be repealed by virtue of section 8 of the Bengal General Clauses Act, 1899.
1910	XIII ..	The Prisons (Amendment) Act, 1910	So much as has not been repealed ..	The subject-matter of this Act is relatable to entry 4 of List II (Provincial Legislative List) of the Seventh Schedule to the Government of India Act, 1935. It has been repealed by the Repealing Act, 1938 (I of 1938), but that repeal does not apply to West Bengal as the subject-matter of this Act relates to the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned, this Act which is an amending Act may be repealed by virtue of section 8 of the Bengal General Clauses Act, 1899.
1911	VI ..	The Indian Ports (Amendment) Act, 1911.	The whole	This is an amending Act. It may be repealed under cover of section 8 of the Bengal General Clauses Act, 1899.
1911	V ..	The Indian Tramways (Amendment) Act, 1911.	Ditto	The note in the remarks column under Act XV of 1908 may be noted in this connection. The subject-matter of this Act is relatable to entry 18 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (I of 1938), passed by the Central Legislature, but that repeal does not apply to West Bengal as the subject-matter of this Act falls within the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned, this Act which is an amending Act may be repealed by virtue of section 8 of the Bengal General Clauses Act, 1899.
1911	IX ..	The Births, Deaths and Marriages Registration (Amendment) Act, 1911.	Ditto	The note in the remarks column under Act XVI of 1890 will apply to this Act.

The West Bengal Repealing and Amending Bill, 1948.

(The Second Schedule.)

Year.	No.	Short title.	Extent of repeal.	Remarks. (This column does not form part of the Bill.)
1	2	3	4	5
		Central Acts—*contd.*		
1911	XIV ..	The Court-fees (Amendment) Act, 1911.	The whole	The note in the remarks column under Act XX of 1870 will apply to this Act.
1911	XVI ..	The Bengal, Agra and Assam Civil Courts (Amendment) Act, 1911.	Ditto	The subject-matter of this Act is relatable to entries 1 and 2 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (I of 1938), passed by the Central Legislature but that repeal does not apply to West Bengal as the subject-matter of this Act falls within the Provincial Legislative Field. To complete the legislative process so far as the Province of West Bengal is concerned, this Act which is an amending Act may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899.
1912	I ..	The Indian Stamp (Amendment) Act, 1912.	So much as has not been repealed	Section 2 of this Act relates to stamp duty in respect of bills of exchange and falls under item 57 of the Federal Legislative List. The repeal of this section by Act I of 1938 therefore applies to West Bengal. Section 3 is however relatable to entry 51 of the Provincial Legislative List and therefore it may be repealed in West Bengal.
1912	VII ..	The Bengal, Bihar and Orissa and Assam Laws Act, 1912.	So much of sections 7 and 8 and Schedule E as has not been repealed.	Sections 7 and 8 of and Schedule E to this Act in so far as they relate to matters mentioned in the Provincial Legislative List have not, so far as the province of West Bengal is concerned, been repealed by the Repealing Act, 1938 (I of 1938) and it is necessary therefore to repeal them under cover of sections 8 and 8A of the Bengal General Clauses Act, 1899.
1912	IX ..	The Presidency Small Cause Courts (Amendment) Act, 1912.	The whole	The subject-matter of this Act is relatable to entries 1 and 2 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (I of 1938), passed by the Central Legislature but that repeal does not apply to West Bengal as the subject-matter of the Act falls within the Provincial Legislative Field. To complete the legislative process so far as the Province of West Bengal is concerned, this Act which is an amending Act may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899.
1914	IV ..	The Decentralization Act, 1914. ..	So much as has not been repealed	The note in the remarks column under Act XII of 1891 will apply to this Act.
1914	VI ..	The Provincial Small Cause Courts (Amendment) Act, 1914	The whole	The note in the remarks column under Act IX of 1912 will apply to this Act.
1914	X ..	The Repealing and Amending Act, 1914.	So much as has not been repealed	The note in the remarks column under Act XII of 1891 will apply to this Act.
1914	XVII ..	The Second Repealing and Amending Act, 1914.	Ditto.	Ditto.
1915	XI ..	The Repealing and Amending Act, 1915.	Ditto.	Ditto.
1916	VI ..	The Indian Ports (Amendment) Act, 1916.	The whole	This is an amending Act. It may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899. *See* also note under Act XV of 1908 in this connection.
1916	XIII ..	The Amending Act, 1916 ..	So much as has not been repealed	The note in the remarks column under Act XII of 1891 will apply to this Act.
1917	XXIII ..	The Presidency Small Cause Courts (Amendment) Act, 1917.	The whole	The note in the remarks column under Act IX of 1912 will apply to this Act.

The West Bengal Repealing and Amending Bill, 1948.

(The Second Schedule.)

Year.	No.	Short title.	Extent of repeal.	Remarks. (This column does not form part of the Bill.)
1	2	3	4	5
		Central Acts—*contd.*		
1917	XXIV ..	The Repealing and Amending Act, 1917.	So much as has not been repealed ..	The note in the remarks column under Act XII of 1891 will apply to this Act.
1919	XVII ..	The Land Acquisition (Amendment) Act, 1919.	The whole	The subject-matter of this Act is relatable to entry 9 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (I of 1938), passed by the Central Legislature but that repeal does not apply to West Bengal as the subject-matter of the Act relates to an entry in the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned, this Act which is an amending Act may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899.
1919	XVIII ..	The Repealing and Amending Act, 1919.	So much as has not been repealed ..	The note in the remarks column under Act XII of 1891 will apply to this Act.
1920	VIII ..	The Dourine (Amendment) Act, 1920	The whole	This is an amending Act. It may be repealed under cover of section 8A of the Bengal General Clauses Act, 1899. The subject-matter of this Act falls under item 20 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935.
1920	IX ..	The Glanders and Farcy (Amendment) Act, 1920.	Ditto	Ditto.
1920	XXII ..	The Lepers (Amendment) Act, 1920	Ditto	The subject-matter of this Act is relatable to entry 14 (Public Health and Sanitation) of List II (Provincial Legislative List) of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (I of 1938) but that repeal does not apply to West Bengal as the subject-matter of the Act relates to the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned this Act which is an amending Act may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899.
1920	XXXI ..	The Repealing and Amending Act, 1920.	So much as has not been repealed ..	The note in the remarks column under Act XII of 1891 will apply to this Act.
1920	XXXVIII	The Devolution Act, 1920 ..	Ditto	Ditto
1920	XXXIX	The Indian Elections Offences and Inquiries Act, 1920.	The whole of Part I	The subject-matter of this Act is relatable to entry 11 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. Part I of this Act may be repealed by virtue of section 8 of the Bengal General Clauses Act, 1899.
1921	XIII ..	The Carriers (Amendment) Act, 1921	The whole	The note in the remarks column under Act X of 1899 will apply to this Act.
1921	XIX ..	The Land Acquisition (Amendment) Act, 1921.	Ditto	The note in the remarks column under Act XVII of 1919 will apply to this Act.
1922	XVI ..	The Indian Ports (Amendment) Act, 1922.	Ditto	This is an amending Act. It may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899. *See* also note in the remarks column under Act XV of 1908 in this connection.
1922	XIX ..	The Court-fees (Amendment) Act, 1922.	Ditto	The note in the remarks column under Act XX of 1870 will apply to this Act.

The West Bengal Repealing and Amending Bill, 1948.

(The Second Schedule.)

No.	Short title.	Extent of repeal.	Remarks. (This column does not form part of the Bill.)
2	3	4	5
	Central Acts—*contd.*		
XI ..	The Repealing and Amending Act, 1923.	So much as has not been repealed ..	The note in the remarks column under Act XII of 1891 will apply to this Act.
XXXVIII	The Land Acquisition (Amendment) Act, 1923.	The whole	The note in the remarks column under Act XVII of 1919 will apply to this Act.
XXXIX	The Indian Ports (Amendment) Act, 1923.	Ditto	This is an amending Act. It may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899. *See* also note in the remarks column under Act XV of 1908 in this connection.
XLIII ..	The Indian Stamp (Amendment) Act, 1923.	So much as has been not repealed ..	This Act in so far as it relates to stamp duty in respect of documents mentioned in item 57 of the Federal Legislative List has been repealed by Act I of 1938. So much of this Act as has not been so repealed as being relatable to entry 51 of the Provincial Legislative List may therefore be repealed to complete the legislative process so far as the Province of West Bengal is concerned.
IX ..	The Indian Ports (Amendment) Act, 1925.	The whole	This is an amending Act. It may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899. *See* also note in the remarks column under Act XV of 1908 in this connection.
XVII ..	The Prisons (Amendment) Act, 1925	Ditto	The subject-matter of this Act is relatable to entry 4 of List II (Provincial Legislative List) of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (1 of 1938), but that repeal does not apply to West Bengal as the subject-matter of the Act relates to the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned this Act which is an amending Act may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899.
XXI ..	The Religious Endowments (Amendment) Act, 1925.	Ditto	The subject-matter of this Act is relatable to entry 34 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. This Act is an amending Act, it may be repealed under cover of section 8A of the Bengal General Clauses Act, 1899.
XXXIV	The Cotton Transport (Amendment) Act, 1925.	Ditto	The subject-matter of this Act is relatable to entries 18, 20 and 37 of List II (Provincial Legislative List) of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (1 of 1938), but this repeal does not apply to West Bengal in so far as the subject-matter of this Act relates to the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned this Act may be repealed under cover of section 8A of the Bengal General Clauses Act, 1899.
XXXVI	The Indian Ports (Amendment) Act, 1925.	So much as has not been repealed ..	This is an amending Act. It may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899. *See* also note in the remarks column under Act XV of 1908 in this connection.
XXVII ..	The Transfer of Property (Amendment) Act, 1926.	The whole	The note in the remarks column under Act III of 1885 will apply to this Act.

The West Bengal Repealing and Amending Bill, 1948.

(The Second Schedule.)

Year	No.	Short title.	Extent of repeal.	Remarks. (This column does not form pa Bill.)
1	2	3	4	5
		Central Acts—*contd.*		
1926	XXVIII	The Usurious Loans (Amendment) Act, 1926.	The whole	The subject-matter of this A far as it relates to mortga charges of agricultural relatable to entry 21 of (Provincial Legislative List Seventh Schedule to the ment of India Act, 193 Act has been repealed Repealing Act, 1938 (1 o but that repeal does not a West Bengal in respect of mortgages or charges on tural lands. To complete the tive process this Act whi amending Act may be repe West Bengal by virtue of 8A of the Bengal General Act, 1899.
1926	XL ..	The Indian Succession (Second Amendment) Act, 1926.	Ditto	The subject-matter of this relatable partly to entry 21 II (Provincial Legislative L the Seventh Schedule Government of India Act This Act has been repealed Repealing Act, 1938 (1 o but this repeal does not a West Bengal in so far as t ject-matter of this Act re entry 21 of the Provincial lative List. To complete the tive process so far as the P of West Bengal is concerne Act may be repealed by v section 8A of the Bengal G Clauses Act, 1899.
1927	X .	The Repealing and Amending Act, 1927.	So much as has not been repealed ..	This Act in so far as it rel matters mentioned in the L cial Legislative List has n repealed by the Repealing Ac (1 of 1938), in the Provin Bengal and it is necessary th to repeal this Act in so fa relates to such matters by v section 8A of the Bengal G Clauses Act, 1899.
1927	XVIII .	The Indian Succession (Amendment) Act, 1927.	The whole	This is an amending Act. Th ject-matter of this Act so fa relates to succession to agricu land falls under item 21 of L (Provincial Legislative List) Seventh Schedule to the G ment of India Act, 1935. Th has been repealed by the Repe Act, 1938 (1 of 1938), but repeal does not apply to Bengal in so far as it relat succession regarding agricul land. To complete the legisl process this Act may be repeal West Bengal under cover of se 8A of the Bengal General Cl Act, 1899.
1927	XXI ..	The Indian Securities (Amendment) Act, 1927.	Ditto .. .	The subject-matter of this Ac relatable partly to entry 5 of Li (Provincial Legislative List of Seventh Schedule to the Gov ment of India Act, 1935. This has been repealed by the Repeal Act, 1938 (1 of 1938), but this re does not apply to West Bengal in far as the subject-matter of this relates to the Provincial Legislati List. To complete the legislati process so far as the Province West Bengal is concerned, this which is an amending Act may repealed by virute of section 8A the Bengal General Clauses A 1899.
1927	XXII ..	The Societies Registration (Amendment) Act, 1927.	Ditto	The subject-matter of this Act relatable to entry 33 of List (Provincial Legislative List) of Seventh Schedule to the Gover ment of India Act, 1935. This has been repealed by the Repeali Act, 1938 (1 of 1938), but this repe does not apply to West Bengal the subject-matter of this A relates to the Provincial Legislati List. To complete the legislati process so far as the Province West Bengal is concerned, this A which is an amending Act may b repealed by virtue of section 8A the Bengal General Clauses Act 1899.

The West Bengal Repealing and Amending Bill, 1948.

(The Second Schedule.)

	No.	Short title.	Extent of repeal.	Remarks. (This column does not form part of the Bill.)
	2	3	4	5
		Central Acts—*contd.*		
8	II ..	The Indian Securities (Amendment) Act, 1928.	The whole	The subject-matter of this Act is relatable partly to entry 5 of List II (Provincial Legislative List) of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (I of 1938), but this repeal does not apply to West Bengal in so far as the subject-matter of this Act relates to the Provincial Legislative List. To complete the legislative process so far as the Province of West Bengal is concerned, this Act which is an amending Act may be repealed by virtue of section 8A of the Bengal General Clauses Act, 1899.
8	XIV ..	The Indian Succession (Amendment) Act, 1928.	Ditto	The note in the remarks column under Act XVIII of 1927 will apply to this Act.
8	XVIII ..	The Repealing and Amending Act, 1928.	So much as has not been repealed ..	The note in the remarks column under Act XII of 1891 will apply to this Act.
9	XVIII ..	The Indian Succession (Amendment) Act, 1929.	The whole	The subject-matter of this Act falls partly under item 21 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by Act I of 1938, but that repeal does not apply to West Bengal in so far as it relates to succession as regards agricultural land —item 21 of the Provincial Legislative List. To complete the legislative process, this Act which is an amending Act may be repealed in West Bengal under cover of section 8A of the Bengal General Clauses Act, 1899.
9	XX ..	The Transfer of Property (Amendment) Act, 1929.	Ditto	The note in the remarks column under Act III of 1885 will apply to this Act.
9	XXI ..	The Transfer of Property (Amendment) Supplementary Act, 1929.	Sections 2 to 14 and the Schedule ..	This is an amending Act. It can be repealed under cover of section 8A of the Bengal General Clauses Act, 1899. Sections 2 to 14 and the Schedule of this Act have been repealed by the Repealing Act, 1938 (I of 1938), but that repeal does not apply to West Bengal in so far as they affect item 21 of the Provincial Legislative List of the Seventh Schedule to the Government of India Act, 1935. To complete the legislative process so far as the Province of West Bengal is concerned this repeal is necessary.
9	I ..	The Provident Funds (Amendment) Act, 1930.	The whole	The subject-matter of this Act is relatable to entries 6 and 13 of List II (Provincial Legislative List) of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (I of 1938), but that repeal does not apply to West Bengal in so far as this Act deals with matters relatable to the said entries. To complete the legislative process this Act which is an amending Act may be repealed in West Bengal by virtue of section 8A of the Bengal General Clauses Act, 1899.
9	V ..	The Transfer of Property (Amendment) Act, 1930.	Ditto	The note in the remarks column under Act III of 1885 will apply to this Act.
	VI ..	The Prisons (Amendment) Act, 1930	Ditto	The subject-matter of this Act is relatable to entry 4 of List II (Provincial Legislative List) of the Seventh Schedule to the Government of India Act, 1935. This Act has been repealed by the Repealing Act, 1938 (I of 1938), but that repeal does not apply to West Bengal as the subject-matter of the Act relates to the Provincial Legislative List. To complete the Legislative process so far as the Province of West Bengal is concerned this Act which is an amending Act may be repealed by virtue of section 8A of the Bengal General Clauses Act 1899.

The West Bengal Repealing and Amending Bill, 1948.

(The Second Schedule.)

Year.	No.	Short title.	Extent of repeal.	Remarks. (This column does not form part of Bill.)
1	2	3	4	5
		Central Acts—*concld.*		
1930	VIII ..	The Repealing and Amending Act, 1930.	So much as has not been repealed ..	The note in the remarks col under Act XII of 1891 will a to this Act.
1930	XXVI ..	The Indian Forest (Amendment) Act, 1930.	The whole	This is an amending Act. It ca repealed under cover of section of the Bengal General Clauses 1899. The subject-matter of Act falls under item 22 of the vincial Legislative List of Seventh Schedule to the Gov ment of India Act, 1935.
1931	XI ..	The Indian Ports (Amendment) Act, 1931.	Ditto	This is an amending Act. It be repealed by virtue of sec 8A of the Bengal General Cla Act, 1899. *See* also note in remarks column under Act XV 1908 in this connection.
1931	XVII ..	The Indian Succession (Amendment) Act, 1931.	Ditto	The note in the remarks column un Act XVIII of 1929 will apply this Act.
1933	III ..	The Indian Forest (Amendment) Act, 1933.	Ditto	This is an amending Act. It can repealed under cover of section of the Bengal General Clauses A 1899. The subject-matter of t Act falls under item 22 of Provincial Legislative List of Seventh Schedule to the Gove ment of India Act, 1935.
1933	XVI ..	The Land Acquisition (Amendment) Act, 1933.	Ditto	The note in the remarks column un Act XVII of 1919 will apply to t Act.
1934	XXIV ..	The Repealing and Amending Act, 1934.	So much as has not been repealed..	The note in the remarks column un Act XII of 1891 will apply to t Act.
1934	XXXV ..	The Amending Act, 1934 ..	Ditto	Ditto.
1935	IX ..	The Provincial Small Cause Courts (Amendment) Act, 1935.	The whole	The note in the remarks column un Act IX of 1912 will apply to t Act.
		Regulations made by the Governor-General in Council.		
1925	V ..	The Bengal Eastern Frontier (Amendment) Regulation, 1925.	The whole	The subject-matter of this Regulat falls under the Provincial Legis tive List of the Seventh Sched to the Government of India A 1935. This Regulation has be repealed by Act I of 1938, b that repeal does not apply to W Bengal in so far as it falls wit the Provincial Legislative lis To complete the legislative proc this Regulation which is an amen ing Regulation may be repealed virtue of section 8A of the Ben General Clauses Act, 1899.
1943	VII ..	The Bengal Municipal Act (Darjeeling District Amendment) Regulation, 1943.	Ditto	This is an amending Regulation. can be repealed under cover section 8A read with section 31 the Bengal General Clauses A 1899.

STATEMENT OF OBJECTS AND REASONS.

1. The object of the Bill is to make necessary amendments of a formal nature in certain enactments and to repeal certain spent, useless or unnecessary matter in the Statute Book. The Bill has been confined rigidly and exclusively to alterations which are entirely free from controversy. Anything doubtful has been left unchanged.

2. The Bill contains proposals for the repeal of a large number of enactments including Acts, Regulations, sections of Acts or Regulations, which were passed to make textual alterations in previous enactments. A few other enactments have been also proposed for repeal which are either themselves repeals or are enactments the effect of which is spent.

3. The Bill does not include for repeal any Act or Regulation passed later than the close of the year 1943. Thus no enactment is to be repealed unless it has been in existence for at least three complete years. During this period, publication of the enactment in the volume of the Statutes of the year to which it relates has been secured, its existence has had ample time to be appreciated, and there has been full opportunity for any modifications introduced by it in previous Acts to be noted and incorporated in their proper places.

4. Clause 4 of the Bill contains the precautionary provisions which it is usual to include in all Bills of this kind.

5. The reasons for each amendment or repeal proposed are explained opposite such amendment or repeal in the remarks column which does not form part of the Bill.

CALCUTTA :
The 4th February, 1948.

NIHARENDU DUTT-MAJUMDAR,
Minister-in-charge.

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 9th February 1948.

sistered No. C207

The Calcutta Gazette

Extraordinary

Published by Authority

SUNDAY, FEBRUARY 8, 1948

ART 1—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Political.

NOTIFICATION.

No. 809P.—8th February 1948.—Whereas the rovincial Government is of opinion that the ganisation in the Province known as Khaksars nd the organisation known as Muslim League ational Guards or Muslim National Guards onstitute a danger to public peace:

Now, therefore, in exercise of the powers conerred by section 16 of the Criminal Law Amendent Act, 1908 (XIV of 1908), the Provincial overnment is pleased to declare every such rganisation to be unlawful.

By order of the Governor,

R. GUPTA,

Secy. to the Govt. of West Bengal.

ed and published by the Superintendent, Govt. Ptg., West Bengal, t West Bengal Govt. Press, Alipore, on the 8th February 1948.

Registered No. C207

LIBRARY OF THE BENGAL LEGISLATURE CALCUTTA.

The

Calcutta Gazette

Extraordinary

Published by Authority

TUESDAY, FEBRUARY 10, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL.

HOME DEPARTMENT.

Political.

RESOLUTION—No. 825P.

Calcutta, the 3rd February 1948.

The Government of West Bengal desire to associate themselves with the rest of mankind in deploring the death of Mahatma Gandhi at the hands of an assassin. Their loss is great, they feel helpless, they are left bereft of their great guide, philosopher and friend in their struggle to secure social and economic freedom for this dear land of theirs. May his soul rest in peace and guide them on their march towards the destiny that is India's. They resolve to strive to their utmost to fulfil Gandhiji's great message, truth and tolerance, in everyday affairs of life.

The Government of West Bengal desire also to associate themselves with the resolution passed by the Government of India and declare that "forces of hate and violence that are at work in our country and which imperil the freedom of the nation and darken her fair name must be swiftly controlled and rooted out." They desire to ask the people of West Bengal to help the Government in this endeavour. They are sure that the people of West Bengal would demand that such action against these forces should be taken with determination and justice as the Government think and request the people to offer their co-operation by not taking the law in their own hands. The Government of India have declared and the Government of West Bengal concur that no private army will be permitted in this province. The Government call upon all citizens and particularly those serving under Government in any capacity to abide by this standard of behaviour and act strictly in accordance with the declared policy of the Government in this respect.

By order of the Governor,
S. SEN,
Chief Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 10th Feb. 1948.

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The Calcutta Gazette

Extraordinary

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TUESDAY, FEBRUARY 10, 1948

LIBRARY OF THE LEGISLATURE CALCUTTA.

PART IA—Orders and Notifications by the Government of India republished for general information.

GOVERNMENT OF INDIA.

Ministry of Home Affairs.

New Delhi, the 2nd February, 1948.

No. 30/1/48-Appt.(SP)/1.

RESOLUTION.

Sudden and overwhelming tragedy has befallen India and the world. On the 30th January, shortly after 5 p.m. the fell hand of an assassin ended a life of supreme value to humanity, a life round which had revolved India's destiny for half a century. Mahatma Gandhi, Father of the Nation and beloved of his people, apostle of non-violence, saint and prophet of peace, great soldier for freedom, and lover above all of the lowly, the humble and the oppressed, perished while on his way to prayer to which his fellow-countrymen flocked every evening to listen to his message. The evening sun set in mourning over a nation's tragedy.

The last great act of Gandhiji was his decision to sacrifice his life to bring about peace and harmony among the people of India. On Sunday, January 18, he terminated his fast, on a solemn pledge being taken on behalf of the people, and India heaved a sigh of relief.

This life of intense and continuous service to India and humanity has ended now in death which has also been a fulfilment of that life of service, but it now remains for the Government and the people of India to fulfil that pledge in letter and spirit.

The greatest and noblest of India's sons has passed away and the world mourns him and pays homage to his mighty achievements and the splendour of his spirit. Overwhelmed by sorrow, the Government of India still think with pride and thankfulness of their great leader, who has been an inspiration to hundreds of millions of people and has taught them the path of high endeavour and right action. In death as in life he was smiling, serene, and full of love for all, the very embodiment of his message of truth and *ahimsa*. His life was one long struggle for justice and tolerance between man and man.

The Government of India, in paying reverent homage to the glorious memory of Mahatma Gandhi, declare their determination to strive to the utmost to fulfil his great message. To him the call of duty was paramount and duty demands of the Indian people today courage, vision and faith, and the pursuit of truth and the practice of tolerance. They urge upon their countrymen to remember, even in this hour of national bereavement, this duty and to face the future with stout hearts and steady gaze. They must assist the Government to fight the dark forces of evil and violence that are at work in our midst and that have succeeded in putting an end to the most precious treasure that India possessed. But even this act has only heightened the splendour of his spirit which shines today and will always shine upon the Indian people and on humanity. As in life, so now, that great spirit will guard and guide India which he loved so passionately and served so unceasingly and with such devotion. India and India's message were embodied in his own magnificent self. Let us therefore be true to Gandhiji and to India and strive our utmost to realise the India of his dreams.

No. 30/1/48-Appt.(SP)/11.

RESOLUTION.

The manner of Mahatma Gandhi's death is a grim and urgent reminder of the forces of hate and violence that are at work in our country and which imperil the freedom of the nation and darken her fair name. These forces must be swiftly controlled and rooted out. Only thus can India proceed along her appointed path and fulfil her destiny. Success in this endeavour demands the willing help of her people. Government have no doubt that the great majority of the Indian people demand that this action be taken and this duty performed. Government will, therefore, act with determination and justice, and they trust that the people, while offering their co-operation, will not take the law in their own hands.

There is no place today in India for any organisation preaching violence or communal hatred. No such organisation will, therefore, be tolerated. No private armies will be permitted. Government call upon all citizens, and particularly those serving Government in any capacity, to abide by these standards of behaviour and to act strictly in accordance with the declared policy of Government in this respect.

R. N. BANERJEE, Secy.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 10th Feb. 1948.

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The Calcutta Gazette

Extraordinary

Published by Authority

TUESDAY, FEBRUARY 10, 1948

ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

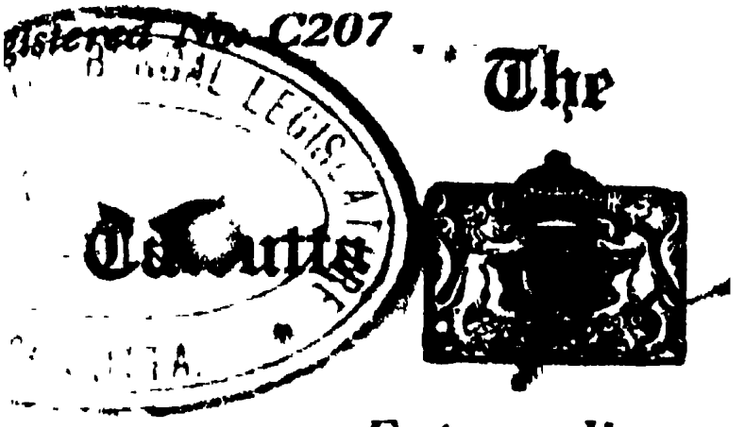
No. 1668D.C.S.—9th February 1948.—In exer-ise of the powers conferred by sub-section (*1*) of ection 3 of the Essential Supplies (Temporary owers) Act, 1946 (XXIV of 1946), read with lauses (*d*), (*h*), (*i*) and (*j*) of the said section and ith the notification No. 73/1-TA/46 of the Gov-rnment of India in the Department of Industries nd Supplies, the Governor is pleased to repeal the engal Cloth Rationing Order, 1945, published ith notification No. 11866D.C.S., dated the 19th eptember 1945, as subsequently amended:

Provided that the said Order shall be deemed to ontinue in force for the purpose of any investiga-ion or proceedings whether commenced before or fter the repeal of the said Order relating to any ontravention of the said Order which has taken lace before such repeal.

By order of the Governor,
A. D. KHAN,
Secy. to the Govt. of West Bengal.

ed and published by the Superintendent, Govt. Ptg., West Bengal, West Bengal Govt. Press, Alipore, on the 10th February 1948.

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The Calcutta

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WEDNESDAY, FEBRUARY 11, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
JUDICIAL AND LEGISLATIVE DEPARTMENT.

Judicial.

NOTIFICATION.

No. 723J.—10th February 1948.—In exercise of the powers conferred by section 24 of the Parsi Marriage and Divorce Act, 1936 (III of 1936), the Governor is pleased to appoint the following persons to be delegates to aid in the adjudication of cases in the Parsi Chief Matrimonial Court of Calcutta, namely:—

(1) Mr. J. J. Modi, 183, Dharmatalla Street, Calcutta.

(2) Mr. S. S. Nazir, 18, Rawdon Street, Calcutta.

(3) Mr. M. C. Guzdar, 7, Sudder Street, Calcutta.

(4) Mr. J. D. Guzdar, 226A, Bowbazar Street, Calcutta.

(5) Mr. D. N. Nanavatty, Central Bank, Netaji Subhas Road, Calcutta.

(6) Mr. A. Dinshaw, 10, Government Place East, Calcutta.

(7) Mr. D. D. Anklesaria, 220A, Lower Circular Road, Calcutta.

(8) Mr. R. D. Kotwal, 77, Dharmatalla Street, Calcutta.

(9) Mr. M. C. H. Rustomjee, 26, Ezra Street, Calcutta.

(10) Mr. B. J. Mallan, 40, Ballygunge Circular Road, Calcutta.

(11) Mr. N. M. Medora, 12/4, Ballygunge Park Road, Calcutta.

(12) Mr. F. P. Choksey, 10, Middleton Street, Calcutta.

(13) Mr. M. R. Tata, 46, Dharmatalla Street, Calcutta.

(14) Mr. P. T. Saklat, 9, Grant Lane, Calcutta.

(15) Mr. D. C. Driver, 16, Park Mansion, Park Street, Calcutta.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Printing, West Bengal, at West Bengal Govt. Press, Alipore, on the 11th Feb. 19

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WEDNESDAY, FEBRUARY 11, 1948

BOARD OF BENGAL LEGISLATURE CALCUTTA.

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL.

Judicial and Legislative (Legislative) Department.

NOTIFICATION.

No. 236L.—10th February, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE REQUISITIONED LAND (CONTINUANCE OF POWERS) WEST BENGAL AMENDMENT BILL, 1948.

A
BILL

to amend the Requisitioned Land (Continuance of Powers) Act, 1947, in its application to West Bengal.

WHEREAS it is expedient to amend the Requisitioned Land (Continuance of Powers) Act, 1947, in its application to West Bengal for the purpose and in the manner hereinafter appearing; XVII of 1947.

It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Requisitioned Land (Continuance of Powers) West Bengal Amendment Act, 1948.

(*2*) It extends to the whole of West Bengal.

Application of Act.

2. The Requisitioned Land (Continuance of Powers) Act, 1947, hereinafter referred to as the said Act, shall, in its application to West Bengal, be amended in the manner provided in this Act.

Amendment of section 1 of Act XVII of 1947.

3. In sub-section (*3*) of section 1 of the said Act for the words, figures and brackets "mentioned in section 4 of the India (Central Government and Legislature) Act, 1946" the words and figures "ending the 31st day of March 1950" shall be substituted.

Amendment of section 2.

4. In section 2 of the said Act, clauses (*1*) and (*3*) shall be omitted.

Amendment of sections 3, 4, 5 and 7.

5. In sections 3, 4, 5 and 7 of the said Act for the words "appropriate Government" wherever they occur, the words "Provincial Government" shall be substituted.

Amendment of section 4.

6. In sub-sections (*2*) and (*4*) of section 4 of the said Act for the words "the Government" the words "the Provincial Government" shall be substituted.

Amendment of section 5.

7. In sub-section (*3*) of section 5 of the said Act for the words "of Government" occurring for the first time the words "of the Provincial Government" and for the words "of Government" occurring for the second time the words "of such Government" and for the words "from Government" the words "from such Government" shall be substituted.

Amendment of section 8.

8. In section 8 of the said Act, the words "Central Government or any" shall be omitted.

STATEMENT OF OBJECTS AND REASONS.

The term of the Requisitioned Land (Continuance of Powers) Act, 1947, whereby powers in respect of land requisitioned under the Defence of India Act, 1939, were retained by Government, will expire on the 31st March, 1948. But a large number of requisitioned properties still remains in the possession of the various Departments of Government which will continue to require them in the interest of administration for some time after that date. It is necessary therefore to extend the period of operation of the said Act for a further period of two years.

The Bill has been framed with this object in view.

M. M. BARMAN,
Member-in-charge.

CALCUTTA:
The 19th February, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL.

Judicial and Legislative (Legislative) Department.

NOTIFICATION.

No. 2371L.—10th February, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information :—

THE WEST BENGAL LAND (REQUISITION AND ACQUISITION) BILL, 1948.

A
BILL

to provide for the requisition and speedy acquisition of land for certain purposes.

WHEREAS it is expedient to provide for the requisition and speedy acquisition of land for the purposes of maintaining supplies and services essential to the life of the community and for providing proper facilities for transport and communication;

It is hereby enacted as follows:—

Short title, extent, commencement and duration.

1. (*1*) This Act may be called the West Bengal Land (Requisition and Acquisition) Act, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall come into force at once.

(*4*) It shall remain in force up to the 31st day of March, 1951.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(*a*) "Collector", "land" and "person interested" have the same meanings as in the Land Acquisition Act, 1894; I of 1894.

(*b*) "Court" means a principal Civil Court of original jurisdiction, and includes the Court of any Additional Judge, Subordinate Judge or Munsif whom the Provincial Government may appoint, by name or by virtue of his office, to perform, concurrently with any such principal Civil Court, all or any of the functions of the Court under this Act within any specified local limits and, in the case of a Munsif, up to the limits of the pecuniary jurisdiction with which he is vested under section 19 of the Bengal, Agra and Assam Civil Courts Act, 1887; and XII of 1887.

(*c*) "prescribed" means prescribed by rules made under this Act.

Power to requisition.

3. (*1*) If in the opinion of the Provincial Government or any person authorised in this behalf by the Provincial Government it is necessary so to do for maintaining supplies and services essential to the life of the community or for providing proper facilities for transport and communication, the Provincial Government or the person so authorised, as the case may be, may, by order in writing, requisition any land and may make such further orders as appear to it or to him to be necessary or expedient in connection with the requisitioning: [*Cf.* rule 75A of the Defence of India Rules.]

Provided that no land used for the purpose of religious worship shall be requisitioned under this section.

(*2*) An order under sub-section (*1*) shall be served in the prescribed manner on the owner of the land and where the order relates to land in occupation of a tenant also on such tenant.

Acquisition of land.

4. (*1*) Where any land has been requisitioned under section 3, the Provincial Government may use or deal with it in such manner as may appear to it to be expedient and may acquire such land by publishing in the *Official Gazette*, a notice to the effect that the Provincial Government has decided to acquire such land in pursuance of this section. [*Cf.* Act XVII of 1947, s. 5.]

(*2*) Where a notice as aforesaid is published in the *Official Gazette*, the requisitioned land shall, on and from the beginning of the day on which the notice is so published, vest absolutely in the Provincial Government free from all incumbrances and the period of requisition of such land shall end.

The West Bengal Land (Requisition and Acquisition) Bill, 1948.

(*Clauses 5—7.*)

Notice to persons interested.

5. (*1*) After the publication of a notice under sub-section (*1*) of section 4, the Collector shall cause public notice to be given at convenient places on or near the land to be taken, stating that the Provincial Government has acquired the land, and that claims to compensation for all interests in such land may be made to him. [*Cf.* Act I of 1894, s. 9.]

(*2*) Such notice shall state the particulars of the land so acquired, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(*3*) The Collector shall also serve notice in the manner prescribed on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the revenue district in which the land is situate.

(*4*) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by registered post in a letter addressed to him at his last known residence, address or place of business.

Release from requisition.

6. (*1*) Where any land requisitioned under section 3 is not acquired and is to be released from requisition, the Provincial Government may, after making such inquiry, if any, as it considers necessary, specify by order in writing the person who appears to it to be entitled to the possession of such land. [*Cf.* Ben. Act V of 1947, s. 10.]

(*2*) The delivery of possession of such land to the person specified in the order made under sub-section (*1*) shall be a full discharge of any liability of the Provincial Government to deliver possession to such person as may have rightful claim to possession thereof but shall not prejudice any right in respect of such land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered. [*Cf.* Ben. Act V of 1947, s. 10.]

(*3*) Where the person to whom the possession of any land requisitioned under section 3 is to be delivered cannot be found or is not readily traceable or has no agent or other person empowered to accept delivery on his behalf, the Provincial Government shall publish in the *Official Gazette* a notice declaring that such land is released from requisition and shall cause a copy thereof to be affixed on some conspicuous part of such land. [*Cf.* Act XVII of 1947, s. 4(*3*).]

(*4*) When a notice referred to in sub-section (*3*) is published in the *Official Gazette*, the land specified in such notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person entitled to possession thereof; and the Provincial Government shall not be liable for any compensation or other claims in respect of such land for any period after the said date. [*Cf.* Act XVII of 1947, s. 4(*4*).]

Compensation.

7. (*1*) Wherever any land is acquired under section 4 there shall be paid compensation the amount of which shall be determined by the Collector in the manner and in accordance with the principles set out in sub-section (*1*) of section 23 of the Land Acquisition Act, 1894: I of 1894.

Provided that the market value referred to in clause first of sub-section (*1*) of section 23 of the said Act shall, in respect of any land acquired under this Act, be deemed to be the market value of such land on the date of publication of the notice referred to in sub-section (*1*) of section 4:

Provided further that if such market value exceeds by any amount twice the market value of the land on the 31st December, 1941 on the assumption that the land had been at that date in the state in which it in fact was on the date of publication of the notice referred to in sub-section (*1*) of section 4, the amount of such excess shall not be taken into consideration.

The West Bengal Land (Requisition and Acquisition) Bill 1948.

(*Clauses 8—13.*)

(*2*) When the compensation has been determined under sub-section (*1*) the Collector shall make an award in accordance with the principles set out in section 11 of the Land Acquisition Act, 1894, and no amount referred to in sub-section (*2*) of section 23 of that Act, shall be included in the award. 1 of 1894.

(*3*) Where any land is requisitioned under section 3 there shall be paid to every person interested such compensation as may be agreed upon in writing between such person and the Collector, in respect of—

(*a*) the requisition of such land; and

(*b*) any damage done during the period of requisition to such land other than what may have been sustained by natural causes.

Reference to Court.

8. (*1*) The Collector shall in every case—

(*a*) where any person aggrieved by an award made under sub-section (*2*) of section 6 makes an application requiring the matter to be referred to the Court; or

(*b*) where there is any disagreement with regard to the compensation payable under sub-section (*3*) of section 7 between the Collector and the person to whom possession of any land is delivered under section 6,

refer the matter to the decision of the Court.

(*2*) The provisions of the Land Acquisition Act, 1894, shall *mutatis mutandis* apply in respect of any reference made to the Court under sub-section (*1*).

Power to enter upon land, etc.

9. The Provincial Government may, with a view to requisitioning any land or for the purpose of determination by the Collector of the amount of compensation payable under this Act, by order,— [*Cf.* Act XVII of 1947, s. 3(*3*).]

(*a*) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be specified;

(*b*) direct that the owner or occupier of the land shall not dispose of it or alter it till the expiry of such period as may be specified in the order;

(*c*) authorise any person to perform in respect of any land all or any of the functions referred to in sub-section (*2*) of section 4 of the Land Acquisition Act, 1894.

Penalty.

10. If any person contravenes any order made under this Act he shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both. [*Cf.* Ben. Act V of 1947, s. 20.]

Saving.

11. No decision or order made in exercise of any power conferred by or under this Act shall be called in question in any Court. [*Cf.* Ben. Act V of 1947, s. 21.]

Protection of action taken under this Act.

12. (*1*) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder. [*Cf.* Ben. Act V of 1947, s. 22.]

(*2*) Save as otherwise expressly provided in this Act, no suit or other legal proceeding shall lie against the Provincial Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

Power to make rules.

13. (*1*) The Provincial Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of service of orders on the owner or occupier of land referred to in sub-section (*2*) of section 3; and

(*b*) the manner of service of notice on the persons referred to in sub-section (*3*) of section 5.

STATEMENT OF OBJECTS AND REASONS.

In consequence of the partition of Bengal, it has become urgently necessary to obtain powers for Government so as to ensure, at short notice and fair price, procurement of lands required for public security, facilities for communication and transport and for maintaining supplies and services essential to the life of the community.

The Bill has been drafted with these objects in view.

M. M. BARMAN,
Member-in-charge.

CALCUTTA;
The 10th February, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 11th February 1948.

ered No. C207

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Extraordinary.

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FRIDAY, FEBRUARY 13, 1948.

Part I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATION.

316L.A.—13th February, 1948.—Whereas a y has occurred in the Constituent Assembly ia by reason of the resignation of Shri da Behary Mullick, a member elected to the ssembly by the General Part of the West Legislative Assembly, and in continuation notification No. 255L.A., dated 6th February, published in the *Calcutta Gazette, dinary*, of the 6th February, 1948, the

following list of valid nominations is here published for general information:—

List of valid nominations.

(1) Das, Sri Nagendra Nath; and

(2) Mookerjee, Dr. Syama Prasad.

Note.—The poll will be taken on Saturday, t 14th February, 1948, between 11 a.m. and 1 p. at the Legislative Chamber in the Legislati Building, Calcutta (excluding the lobbies surrou ing the said Chamber).

A. R. MUKHERJEA,
Returning Officer and
Secy. to the West Bengal Legis. Assembl

Printed and published by the Superintendent, Govt. Ptg., West B at West Bengal Govt. Press, Alipore, on the 13th February

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDERS.

No. 1768D.C.S.—13th February 1948.—In exercise of the power conferred by sub-section (*1*) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clause (*c*) of sub-section (*2*) of the said section, in supersession of all previous orders on fixation of prices of soft coke, steam coal and hard coke, the Governor is pleased to direct that prices at which soft coke, steam coal (including smithy coal) and hard coke may be sold in the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866, shall not exceed the following:—

Soft coke.

	Per maund. Rs. a. p.
Ex-Railway Depot	... 1 3 0
Ex-City Depot	... 1 9 0

These prices come into effect retrospectively from the 1st August 1947.

Steam coal (including smithy coal).

	Per maund. Rs. a. p.
Granted "A"—	
Ex-Railway Depot	... 1 1 0
Granted "B"—	
Ex-Railway Depot	... 1 0 3
Grade I—	
Ex-Railway Depot	... 0 15 9
Grade II—	
Ex-Railway Depot	.... 0 15 6
Grade IIIA—	
Ex-Railway Depot	... 0 15 3
Grade IIIB—	
Ex-Railway Depot	... 0 15 0

These prices come into effect retrospectively from the 1st January 1948.

Hard coke.

From Bye Product, Beehive and country ovens, from Kulti Coke ovens of Messrs. Indian Iron & Steel Co., Ltd.—

	Per maund. Rs. a. p.
If the ash content does not exceed 24 per cent.	... 1 13 0
If the ash content exceed 24 per cent. but does not exceed 30 per cent.	... 1 9 6

These prices come into effect retrospectively from the 1st January 1948.

No. 1769D.C.S.—13th February 1948.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clauses (*a*), (*d*), (*h*), (*i*) and (*j*) of sub-section (*2*) of that section and with notification No. 73/1-TA/46 of the Government of India in the Department of Industries and Supplies, the Governor is pleased to direct that the following amendments shall be made in the West Bengal Cotton Cloth and Yarn Control Order, 1947, namely:—

(*1*) In clause (*p*) of paragraph 3 of the said Order *omit* the words "cloth or" and "or both".

(*2*) In paragraph 4 of the said Order *omit* the words "cloth or" and "or both".

(*3*) In sub-paragraph (*1*) of paragraph 6 of the said Order *add* the words "in so far as it applies to yarn" at the end.

(*4*) In paragraph 10 of the said Order in clause (*c*) of sub-paragraph (*1*) and in sub-paragraph (*4*) and in sub-paragraph (*5*) and in the Explanation to sub-paragraph (*6*), *omit* the words "cloth or" wherever they occur.

(*5*) In sub-paragraph (*3*) of paragraph 13 of the said Order for the words "A dealer shall not sell in any one transaction to another dealer holding a licence under this Order" *substitute* the words "A dealer shall not sell in any one transaction to another dealer whether or not he holds a license under this Order".

(*6*) After paragraph 13 of the said Order *add* the following explanations, namely:—

"*Explanation.*—Nothing in this paragraph applies to—

(*i*) retail dealer in cloth,
(*ii*) hawkers of cloth,
(*iii*) dealer in ready-made garments of cloth,
(*iv*) proprietors of tailoring establishments".

(*7*) In paragraph 15 of the said Order for the word "dealer" *substitute* the word "licensee".

(*8*) In paragraph 16 of the said Order *omit* the words "cloth or" and the words "cloth and" wherever they occur.

(*9*) In paragraph 17 of the said Order, *omit* the words "cloth or".

(*10*) *Omit* paragraph 19 of the said Order.

(*11*) In paragraph 20 of the said Order, *omit* the words "cloth or".

(*12*) *For* Schedule I to the said Order *substitute* the following Schedule, namely:—

"SCHEDULE I.

(*See* paragraph 5.)

Group "A"—Rs. 300.

(*Manufacturers by power-driven plant.*)

1. Manufacturer of yarn by power-driven spinning plant.
2. Manufacturer of hosiery yarn by power.
3. Dyeing, bleaching and printing establishment run by power.

Group "B"—Rs. 120.

(Quota-holders, permit-holders and other dealers importing directly or indirectly from mills or acting on behalf of mills.)

1. Quota-holders (yarn).
2. Importers (yarn).
3. Mill selling agents (yarn).

Group "C"—Rs. 60.

1. Wholesale dealers (yarn) including hosiery yarn.
2. Commission Agents of yarn.

Group "D"—Rs. 24.

(Retail dealers.)

Retail dealers (yarn).

Group "E"—Rs. 2.

(Hawkers.)

Group "F"—Re. 1 per loom.

(Hand-loom cloth manufacturers.)

Group "G"—Rs. 24.

(Brokers.)"

(*13*) *For* Form B in Schedule II to the said Order *substitute* the following form, namely:—

"FORM B.

(*See* paragraph 7.)

COVERNMENT OF WEST BENGAL.

Department of Civil Supplies.

Textile Licensing Office.

Licence for the manufacture, sale or storage for sale of yarn.

1. Licence No..... .....of Group..... items.....

2. Area..... .....

3. Name with father's name of the licensee.....

.....

.....

4. Address where the undertaking is carried on

.....

5. Address of godown or other premises where yarn is stored.....

6. This licence will expire on the 31st March 19.....

7. The licensee shall hold the licence subject to the conditions specified below.

Signature of Textile Licensing Officer.

Date.....

Conditions of licence.

1. This licence is being issued subject to the provisions of the West Bengal Cotton Cloth and Yarn Control Order, 1947.

2. The licensee, if a broker, a commission agent, a hawker or a weaver shall carry with him his licence when carrying on business and produce it for inspection on demand by the Controller or by any officer authorised in writing by the Director or the Deputy Commissioner or any Superinten of Enforcement or the Controller and, if n hawker, a broker, a commission agent or a wea shall display his licence in a conspicuous posi at his place of business.

3. If the licensee intends to store any yarn in place, premises or godown other than th already mentioned in the licence, he shall intim the address of such place, premises or godown the Textile Licensing Officer and shall not st any yarn in such place, premises or godown u the Textile Licensing Officer has endorsed it the licence.

4. The licensee shall give all facilities to Director or the Deputy Commissioner or Superintendent of Enforcement or to the Cont ler or to any person authorised in writing by of the said officers to inspect his stock and accou at any shop, godown or other place used by l for the storage of yarn.

5. The licensee shall comply with all directi that may be given by the Controller in regard to purchase, sale or storage of yarn.

6. The licensee, if he is not a hawker, shall is to every customer a true cash memorandum or cr note as the case may be; giving his name, lice number and address, date of the transaction, name and address and licence number (if any) the purchaser, a detailed description of goods s the quantity sold, the rate at which sold, the u of sale, the total price of each item of goods s and the salesman's signature, and shall keep duplicate of the same to be available for inspect on demand by the Textile Licensing Officer any officer authorised in writing by the Tex Licensing Officer in this behalf and shall prese every such duplicate of cash memorandum credit note for one year from the date of issue

7. If the licensee contravenes any of the p visions of the West Bengal Cotton Cloth and Y Control Order, 1947, or any of the conditi subject to which he holds this licence or any ot provision of the Cotton Cloth and Yarn (Contr Order, 1945, or of any rule, direction or notifi tion made under that Order, then without prejud to any other action that may be taken agai him, his licence may be cancelled by the Direc or the Controller or any officer authorised either of them in writing in that behalf.

8. Notwithstanding anything contained in cla 7, the Director may, without giving any previ notice or without assigning any reason, suspe or cancel this licence.

By order of the Governor

A. D. KHAN,

Secy. to the Govt. of West Beng

NOTIFICATION.

No. 1770D.C.S.—13th February 1948.—pursuance of sub-paragraph (*3*) of paragraph 1 the West Bengal Soft Coke Distribution Ord 1947, the Governor is hereby pleased to direct th the West Bengal Soft Coke Distribution Ord 1947, published in the *Calcutta Gazette*, on 4 September 1947 at page 76, and subsequent amen ments made under Order No. 19738D.C.S., dat 10th October 1947, which was published in t Extraordinary issue of the *Calcutta Gazette* 14th October 1947, shall come into force throug out the District of Howrah with effect from the 1 day of April 1948.

By order of the Governor,

A. D. KHAN,

Secy. to the Govt. of West Beng

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OF THE BENGAL LEGISLA...
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SATURDAY, FEBRUARY 14, 1948

ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

No. 183A.R.—13th February 1948.—In ursuance of the provisions of sub-rule (7) of rule of the West Bengal Legislative Assembly Elec-oral (Conduct of Elections) Rules, 1947, the ollowing declaration containing the name of the andidate elected by the Indian Chamber of ommerce Constituency is published for general nformation :—

West Bengal Legislative Assembly Bye-election.

Indian Chamber of Commerce Constituency.

Under the provision of rule 3(2) of the West Bengal Legislative Assembly Electoral (Conduct f Elections) Rules, 1947, I declare that Sri P. D. Immatsingka, of 6, Old Post Office Street, Calcutta, has been duly elected to fill the seat in

the Indian Chamber of Commerce Constituency of the West Bengal Legislative Assembly in place of Sri D. P. Khaitan, resigned.

J. N. TALUKDAR,
Commissioner, Presidency Division
(Returning Officer).

Office of the Commissioner,
Presidency Division,
3, Netaji Subhas Road,
Calcutta, the 13th February 1948.

By order of the Governor,
S. B. BAPAT,
Joint Secy. to the Govt. of West Bengal.

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATION.

Constituent Assembly of India.

No. 339L.A.—14th February, 1948.—In pursuance of sub-rule (8) of rule 5 of the Constituent Assembly Rules, I hereby declare that Dr. Syama Prasad Mookerjee of 77, Ashutosh Mukherji Road, Calcutta, has been duly elected as a representative of the General Part of the West Bengal Legislative Assembly to the Constituent Assembly of India in the casual vacancy caused by the resignation of Shri Mukunda Behary Mullick.

By order of Speaker,
A. R. MUKHERJEA,
Returning Officer and Secy. to the West Bengal Legis. Assembly.

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATION.

Return of one additional member to the Constituent Assembly of India by the General Part of the West Bengal Legislative Assembly as per resolution adopted by the Constituent Assembly of India.

No. 869L.A.- 19th February, 1948.—Whereas e Constituent Assembly of India having resolved v its resolution, dated January 27, 1948, that eps be forthwith taken to secure the return to the nd Assembly from West Bengal as now constituted two additional members, one General and one Muslim, to be elected respectively by the General art and the Muslim Part of the Legislative ssembly of the Province of West Bengal:

And whereas the Hon'ble Speaker of the West engal Legislative Assembly has been requested y the Hon'ble the President of the said Constituent ssembly to fill these newly created seats in the anner provided under rule 5 of the Constituent ssembly Rules:

ow, therefore, in exercise of the power con- d by sub-rule (6) of rule 5 of the said Con- ent Assembly Rules, the Hon'ble Speaker has pleased to appoint the following dates for doing of such acts in connection with the ion of a person by the General Part of the West Bengal Legislative Assembly as are mentioned against each such date:—

Date on or before which nominations of candidates are to be made—The 25th February, 1948, up to 3 p.m.

Date on which scrutiny of nominations is to be made—The 26th February, 1948, at 11-30 a.m.

Date on or before which candidatures may be withdrawn—The 27th February, 1948, up to 12 noon.

Date on which a poll shall, if necessary, be taken—The 2nd March, 1948.

Note—The hours for polling and the place at which the poll shall be taken are specified in the 1st and 2nd columns of the Schedule below:—

The Schedule.

Hours for polling.		
Hour at which poll shall commence.	Hour at which poll shall close.	Place for polling.
1		2
11 a.m.	1 p.m.	Legislative Chamber in the Legislative Building, Calcutta (excluding the lobbies surrounding the said Chamber).

By order of the Speaker,

A. R. MUKHERJEA,

Returning Officer and Secy. to the West Bengal Legis. Assembly.

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATION.

Return of one additional member to the Constituent Assembly of India by the Muslim Part of the West Bengal Legislative Assembly as per resolution adopted by the Constituent Assembly of India.

No. 370L.A.—19th February, 1948.—Whereas the Constituent Assembly of India having resolved by its resolution, dated January 27, 1948, that steps be forthwith taken to secure the return to the said Assembly from West Bengal as now constituted of two additional members, one General and one Muslim, to be elected respectively by the General Part and the Muslim Part of the Legislative Assembly of the Province of West Bengal:

And whereas the Hon'ble Speaker of the West Bengal Legislative Assembly has been requested by the Hon'ble the President of the said Constituent Assembly to fill these newly created seats in the manner provided under rule 5 of the Constituent Assembly Rules:

Now, therefore, in exercise of the power conferred by sub-rule (6) of rule 5 of the said Constituent Assembly Rules, the Hon'ble Speaker has been pleased to appoint the following dates for the doing of such acts in connection with the election of a person by the Muslim Part of the West Bengal Legislative Assembly as are mentioned against each such date:—

Date on or before which nomination of candidates are to be made—The 25th February, 1948, up to 3 p.m.

Date on which scrutiny of nominations is to be made—The 26th February, 1948, at 12 noon.

Date on or before which candidatures may be withdrawn—The 27th February, 1948, up to 12 noon.

Date on which a poll shall, if necessary, be taken—The 3rd March, 1948.

Note.—The hours for polling and the place at which the poll shall be taken are specified in the 1st and 2nd columns of the Schedule below:—

The Schedule.

Hours for polling.		
Hour at which poll shall commence.	Hour at which poll shall close.	Place for polling.
1		2
10-30 a.m.	12 noon.	Legislative Chamber in Legislative Building, cutta (excluding the lob surrounding the said Ch ber).

By order of the Speaker
A. R. MUKHERJEA,
Returning Officer and
Secy. to the West Bengal Legis. Assemb

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 20th February 1948.

THE BENGAL LEGISLATURE
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FRIDAY, FEBRUARY 20, 1948

RT I—Orders and Notifications by the Governor of st Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT.
Press.

ORDER.

No. 105Pr.—20th February 1948.—In exercise the power conferred by clause (*b*) of sub-section of section 9 of the Bengal Special Powers dinance, 1946 (Bengal Ordinance VI of 1946), enacted and continued in operation by the ngal Ordinances Temporary Enactment Act, 47 (Bengal Act I of 1947), the Governor is ased to prohibit the printing, publishing or tributing within the Province of West Bengal any document relating to police investigation o the bomb explosion at Birla House, New lhi, and the assassination of Mahatma Gandhi, l any reference thereto by way of a statement, s comments or otherwise.

Explanation.—In this Order, "document" in-des a "newspaper" and a "news-sheet" as

defined in clauses (5) and (6) respectively of se
2 of the Indian Press (Emergency Powers) A
1931 (XXIII of 1931).

2. With reference to sub-section (1) of sectio
16 of the said Ordinance, the Governor is pleas
to direct that notice of this Order shall be give
by the publication of this Order in the *Officia*
Gazette and by the issue of a Press Note summariz
ing and explaining its provisions.

By order of the Governor,
R. GUPTA,
Secy. to the Govt. of West Bengal

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The Calcutta Gazette

Extraordinary

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MONDAY, FEBRUARY 23, 1948

W. BENGAL LEGISL. ASSEMBLY CALCUTTA.

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Political.

NOTIFICATIONS.

No. 1055P.—23rd February 1948.—In exercise of the powers conferred by sub-sections (*1*) and (*2*) of section 11 of the Bengal Special Powers Ordinance, 1946 (Bengal Ordinance VI of 1946), as enacted and continued in operation by and under the Bengal Ordinances Temporary Enactment Act, 1947 (Bengal Act I of 1947), the Governor is pleased to prohibit the performance within the Province of West Bengal of any exercise, movement, evolution or drill of a military nature with or without arms or articles capable of being used as arms. With a view to securing that no unauthorised exercise, movement, evolution or drill of a military nature is performed at any place, the Governor is pleased further to prohibit the holding of or taking part in, any camp, parade, meeting or assembly in connection with any exercise, movement, evolution or drill of a military nature with or without arms or articles capable of being used as arms except as provided hereinafter.

Provided that the prohibitions hereinbefore imposed shall not apply to the performance of any such exercise, movement, evolution or drill or to

ing of or taking part in any camp, parade, meeting or assembly:—

(1) by members of the Indian Naval Military or Air Forces or of an official police force or of any force constituted under any law for the time being in force in exercise of their duty as such;

(2) by members of the association commonly known as the Boy Scouts Association in India or of the association commonly known as the Girl Guides Association in India in their capacity as such;

(3) by members of—

(i) the St. John Ambulance Brigade Overseas, Bengal Branch,

(ii) the Bengal Bratachari Society or associations constituent of or recognised by the Society;

(iii) Village Defence Parties organised under the direction of the Superintendent of Police,

(iv) any other organisation which may be specified in writing in this behalf by Government;

(4) within the precincts or premises of any Government school or college, or of any school or college recognised by Government in this behalf, by persons whose participation in such exercise, movement, evolution or drill is part of the ordinary curriculum of such school or college.

No. 1056P.—23rd February 1948.—Whereas the Provincial Government is satisfied that the wearing in public of any dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of the Indian Armed Forces or by a member of any official Police Force or of any force constituted under any law for the time being in force would be likely to prejudice the public safety or the maintenance of public order;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 12 of the Bengal Special Powers Ordinance, 1946 (Bengal Ordinances VI of 1946), as enacted and continued in operation by and under the Bengal Ordinances Temporary Enactment Act, 1947 (Bengal Act I of 1947), the Governor is pleased to prohibit the wearing in public of any such dress by any person who is not a member of the said forces or a member of an association which has been authorised by the Central Government, as respects the whole of the Dominion of India, or the Provincial Government, as respects the Province of West Bengal, to wear a specified uniform.

By order of the Governor,

S. SEN,

Chief Secy. to the Govt. of West Bengal

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BENGAL LEGISLATURE CALCUTTA.

IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

2901L.—21st February, 1948.—The Governor has been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE CORPORATION OF CALCUTTA (INVESTIGATION COMMISSION) BILL, 1948.

A

BILL

to provide for the appointment of a Commission to investigate certain matters relating to the Corporation of Calcutta, and for certain other matters connected therewith.

WHEREAS it is expedient to provide for the appointment of a Commission to investigate certain matters relating to the Corporation of Calcutta, and for certain other matters connected therewith;

It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Corporation of Calcutta (Investigation Commission) Act, 1948.

(*2*) It extends to the whole of West Bengal.

Definitions.

2. In this Act the expressions "Calcutta" and "the Corporation of Calcutta" have the same meanings as in the Calcutta Municipal Act, 1923. Ben. Act III of 1923.

Constitution and functions of Commission.

3. The Provincial Government may, by notification in the *Official Gazette*, constitute a Commission to be called the Corporation of Calcutta Investigation Commission (hereinafter referred to as the Commission) whose duties it shall be—

(*a*) to investigate and report to the Provincial Government on all matters relating to the finances and administration of the Corporation of Calcutta and the working of the Calcutta Municipal Act, 1923;

(*b*) to make recommendation for improving the finances and administration of the Corporation of Calcutta, removing abuses in relation thereto, if any, and amending the Calcutta Municipal Act, 1923, if necessary, for ensuring better administration.

Composition of Commission.

4. (*1*) The Commission shall consist of a Chairman (being a person who is or has been a Judge of a High Court) and two other Commissioners, appointed by the Provincial Government.

(*2*) On the occurrence from any cause of a vacancy among the Commissioners, the Provincial Government may, if it thinks fit, appoint a person to fill the vacancy.

Powers of Commission.

5. (*1*) The Commission shall have power to administer oaths, and shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purposes of taking evidence on oath, enforcing the attendance of any person whom it considers necessary to examine, compelling the production of documents and issuing commissions or letters of request for the examination of witnesses, and shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898, and any reference in the said Chapter to the presiding officer of a Court shall be deemed to include a reference to the Chairman of the Commission. Act V of 1908. Act V of 1898.

(*2*) If it appears to the Commission that it is necessary to examine any accounts or documents, or to investigate any particular matter which it cannot itself conveniently examine or investigate, the Commission may authorise any person qualified in its opinion to make such examination or investigation to examine such accounts or documents or to investigate

The Corporation of Calcutta (Investigation Commission) Bill, 1948.

(Clauses 6—8.)

such particular matter and to interrogate for that purpose any person having charge or custody of such accounts or documents, or having knowledge of such particular matter and to make a report to the Commission; any person having charge or custody of such accounts or documents shall be bound to produce them to the person so authorised and to give such person any information in respect thereof which the person so authorised may require; and any person having knowledge of such particular matter shall be bound to give to the person so authorised any information in respect thereof which such person may require. The Commission may make such use of the report as it thinks fit.

(*3*) (*a*) The Commission may require the Corporation of Calcutta or any officer or servant of the Corporation of Calcutta to furnish any return, plan, estimate, statement, account, statistics, information or report and the Corporation of Calcutta or such officer or servant shall be bound to comply with such requisition without delay.

(*b*) The powers conferred by this sub-section shall be in addition to and not in derogation of the powers conferred by sub-section (*1*) and sub-section (*2*).

(*4*) The Commissioners and all persons authorised by the Commission under sub-section (*2*) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860. Act XLV of 1860.

Procedure of Commission.

6. (*1*) The Commission shall, subject to the provisions of this Act, have power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private) and may act notwithstanding the temporary absence of any Commissioner or Commissioners or a vacancy in the number of the Commissioners.

(*2*) In making an investigation under clause (*a*) of section 3, the Commission shall act in accordance with the principles of natural justice and shall follow as far as practicable the principles of the Indian Evidence Act, 1872. 1 of 1872.

(*3*) Except with the previous sanction of the Provincial Government,—

(*a*) no suit, prosecution or other legal proceeding shall be instituted against any person in any Civil or Criminal Court for any evidence given by him in any proceedings before the Commission, and

(*b*) no evidence so given shall be admissible in evidence against such person in any suit, prosecution or other proceeding before such Court.

(*4*) No document shall be inadmissible in any proceedings before the Commission on the ground that it is not duly stamped or registered.

Bar of jurisdiction.

7. No act or proceeding of the Commission or of any person authorised by it under sub-section (*2*) of section 5 shall be called in question in any manner by or in any Court and no suit, prosecution or other legal proceeding shall lie against the Crown or any Commissioner or any other person for anything done or intended to be done under this Act.

Power to make Rules.

8. The Provincial Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS.

The administration of the Corporation of Calcutta has recently come in for much adverse public criticism and its finances are also in a bad way necessitating increasing subventions by the Provincial Government to run the administration. A thorough enquiry into the administration and finances of the Corporation is considered urgently necessary in order to restore the economic equilibrium of the self-governing institution. The scope of section 16 of the Calcutta Municipal Act, 1923, which is the only section in the Act authorising an enquiry into the affairs of the Calcutta Corporation, is extremely limited and there are practical difficulties in the way of having the desired enquiry made under that section. The Bill seeks to make good this lacuna by authorising the Provincial Government to appoint a Commission consisting of a Chairman (being a person who is or has been a High Court Judge) and two other persons to hold the necessary enquiries into the affairs of the Calcutta Corporation, armed with requisite powers.

CALCUTTA:
The 20th February, 1948.

B. C. ROY,
Member-in-Charge.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

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ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

FFICE OF THE DIRECTOR OF RATIONING AND DISTRIBUTION.

NOTIFICATIONS.

No. 53(L.L.).—24th February 1948.—Under lauses 44 and 49 of the Calcutta Industrial Area Rationing Regulations, 1943, and in supersession of notification No. 530(L.L.), dated the 27th December 1946, published in the *Calcutta Gazette, Extraordinary*, of the 28th December 1946, I hereby direct that in the Calcutta Industrial Area as specified in Schedule "A" to the said Regulations each appointed retailer shall sell the different qualities of rice mentioned in column 1 of the schedule below at prices not exceeding those

specified in the corresponding entries in co 2 of that schedule:—

The Schedule.

1	2
Quality of rice.	Price per seer.
Aus or Coarse Aman ..	6as. 6ps. (six annas and six pies).
Modium Aman ..	7as. (seven annas).
Fine	10as. 6ps. (ten annas nd six pies).

No. 54(L.L.).—24th February 1948.—Under clauses 46 and 51 of the Calcutta Industrial (Extended) Area Rationing Regulations, 1944, and in supersession of notification No. 531(L.L.), dated the 27th December 1946, published in the *Calcutta Gazette, Extraordinary*, of the 28th December 1946, I hereby direct that in the Calcutta Industrial (Extended) Area as specified in Schedule "A" to the said Regulations each appointed retailer shall sell different qualities of rice mentioned in column 1 of the schedule below at prices not exceeding those specified in the corresponding entries in column 2 of that schedule:—

The Schedule.

1	2
Quality of rice.	Price per seer.
Aus or Coarse Aman ..	6as. 6ps. (six annas and six pies).
Medium Aman ..	7as. (seven annas).
Fine	10as. 6ps. (ten annas and six pies).

D. K. GHOSE,
Controller of Rationing

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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 3101L.—25th February, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL MINISTERS' EMOLUMENTS BILL, 1948.

A

BILL

to fix the salaries and allowances of the Governor's Council of Ministers.

WHEREAS it is expedient to fix the salaries and allowances of the Governor's Council of Ministers;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the West Bengal Ministers' Emoluments Act, 1948.

(*2*) It shall come into force on the 1st day of April, 1948.

Salary.

2. There shall be paid a salary to each of the Ministers (including the Premier) at the rate of seven hundred and fifty rupees *per mensem*.

The West Bengal Ministers' Emoluments Bill, 1948.

(Clauses 3, 4.)

Allowances.

3. In addition to the salary referred to in section 2, there shall be paid—

(*a*) a sumptuary allowance at the rate of—

(*i*) five hundred rupees *per mensem* to the Premier, and

(*ii*) two hundred and fifty rupees *per mensem* to each of the other Ministers; and

(*b*) a motor-car allowance at the rate of two hundred and fifty rupees *per mensem* to each of the Ministers (including the Premier):

Provided that if for any period exceeding thirty days a motor-car is made available to any Minister for his use at the expense of the Provincial Government, no motor-car allowance shall be payable under this clause to such Minister for such period.

Repeal of Bengal Act 1 of 1937.

4. The Bengal Ministers' Salaries Act, 1937, is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

Section 51(3) of the Government of India Act, 1935, provides that the salaries of Ministers shall be such as the Provincial Legislature may from time to time by Act determine.

The salaries of the Governor's Council of Ministers, Bengal, were fixed by the Bengal Ministers' Salaries Act, 1937, as follows:—

(*a*) Chief Minister at the rate of Rs. 3,000 *per mensem*; and

(*b*) each of the other Ministers at the rate of Rs. 2,500 *per mensem*.

2. The Ministers of the West Bengal Government having decided to accept reduced scales of pay, it is now necessary that effect should be given to this decision by an enactment of the West Bengal Legislature, and to this end it is proposed to introduce the present Bill. Clause 2 provides for the salary, and clause 3 for the sumptuary and motor-car allowances, to be paid to the Ministers.

B. C. ROY,
Member-in-charge.

CALCUTTA;
The 24th February, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

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BENGAL LEGISLATURE
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PART IA —Orders and notifications by the Government of India republished for general information.

GOVERNMENT OF INDIA.

Ministry of Law.

(Reforms.)

NOTIFICATIONS.

New Delhi, the 5th February 1948.

No. G.G.O.34.—The following Order made by the Governor-General is ublished for general information :—

THE INDIA PROVISIONAL CONSTITUTION (AMENDMENT) ORDER, 1948.

WHEREAS in the exercise of the powers conferred by section 9 of the ndian Independence Act, 1947, the Governor-General was pleased to make ie India (Provisional Constitution) Order, 1947, providing for adaptations nd modifications of the Government of India Act, 1935;

AND WHEREAS it appears to the Governor-General to be expedient to make ertain further additions to and modifications of the said Government of ndia Act, 1935;

AND WHEREAS sub-section (5) of section 19 of the Indian Independence ct 1947, provides that any power conferred by that Act to make any order ncludes power to vary any order previously made in the exercise of that ower;

NOW, THEREFORE, in the exercise of the powers conferred on him as oresaid and of all other powers enabling him in that behalf, the Governor-ieneral is pleased to make the following Order : —

1 (1) This Order may be cited as the India Provisional Constitution Amendment) Order, 1948.

(2) It shall come into force at once.

2 The following further additions and modifications shall be made in Government of India Act, 1935, as adapted by the India (Provisional stitution) Order, 1947, namely :—

(a) in the proviso to sub-section (1) of section 219, for the words is Majesty by Letters Patent" the words "order of the Governor-General" ll be substituted.

(b) in paragraph (b) of the proviso to sub-section (2) of section 220, for the words "if the Judicial Committee of the Privy Council on reference being made to them, report" the words "if the Federal Court, on reference being made to it, reports" shall be substituted;

(c) in section 229, for the words "His Majesty" and the words "letters patent", wherever they occur, the words "the Governor-General" and the word "order" shall respectively be substituted;

(d) in sub-section (2) of section 240, for the words "authority subordinate to the Governor-General or the Governor according as that person is serving in connection with the affairs of the Dominion or of a Province", the words "authority other than the Governor-General" shall be substituted;

(e) in sub-clause (i) of clause (b) of section 247, for the word "pay" the word "remuneration" shall be substituted; and

(f) to section 247, the following shall be added:—

"Provided that no rule made under this section shall have effect so as to give to any of the persons aforesaid less favourable terms as respects remuneration, leave or pension, or less rights as respects disciplinary matters, than were given to him by the rules in force immediately before the establishment of the Dominion.

Explanation.—In this section, 'remuneration' includes leave pay allowances and the cost of any privileges or facilities provided in kind."

New Delhi, the 10th February 1948.

No. G.G.O.35.—The following Order made by the Governor-General is published for general information:—

THE INDIA PROVISIONAL CONSTITUTION (SECOND AMENDMENT) ORDER, 1948.

WHEREAS in the exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, the Governor-General was pleased to make the India (Provisional Constitution) Order, 1947, providing for adaptations and modifications of the Government of India Act, 1935;

AND WHEREAS it appears to the Governor-General to be expedient to make certain further modifications of the said Government of India Act 1935;

AND WHEREAS sub-section (5) of section 19 of the Indian Independence Act, 1947, provides that any power conferred by that Act to make any order includes power to vary any order previously made in the exercise of the power;

NOW, THEREFORE, in the exercise of the powers conferred on him aforesaid and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order:—

1. (1) This Order may be cited as the India Provisional Constitution (Second Amendment) Order, 1948.

(2) It shall come into force at once.

2. In sub-section (3) of section 23 of the Government of India Act, 1935 as adapted by the India (Provisional Constitution) Order, 1947, for the word "one-sixth" at both places where it occurs the word "one-tenth" shall be substituted.

New Delhi, the 11th February 1948.

No. G.G.O. 36.—The following Order made by the Governor-General is published for general information :—

THE INDIAN RAILWAYS ACT (ADAPTATION) ORDER, 1948.

In the exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order :—

1. (1) This Order may be cited as the Indian Railways Act (Adaptation) Order, 1948.

(2) It shall come into force at once.

2. The Indian Railways Act, 1890, shall, until repealed or altered or amended by a competent legislature, in its application to the Dominion of India or any part or parts thereof be subject to the adaptations directed in the Schedule to this Order.

3. The provisions of this Order shall have effect notwithstanding anything to the contrary contained in the India (Adaptation of Existing Indian Laws) Order, 1947.

The Schedule.

Adaptations of the Indian Railways Act, 1890.

Throughout the Act, *for* "safety controlling authority", *substitute* "Central Government" and *for* "Federal Railway Authority", *substitute* "Central Government."

Section 1.—*For* sub-section (2), *substitute* :—

"(2) It extends to all the Provinces of India, and applies also to all British subjects within the Acceding States, and to all British subjects domiciled in India wherever they may be."

Section 3.—In clause (3), *omit* "in British India"; in clause (6), *omit* "Native" at both places; *omit* clauses (20) and (21); and *for* clause (22), *substitute* —

"(22) 'the general controlling authority' means, in relation to a minor railway wholly situate in a Province, the Provincial Government, and in relation to any other railway, the Central Government."

Section 42.—In clause (1) of the proviso to sub-section (4), *for* "make their order", *substitute* "makes its order".

Section 12B.—In sub-section (2), *for* "that Authority" *substitute* "the Central Government".

Section 46.—In sub-sections (1) and (2), *for* "appropriate authority", *substitute* "general controlling authority"; and *omit* sub-section (3).

Omit section 46B.

Section 47.—In sub-section (3), *after* "general controlling authority and", *insert* "where that authority is not the Central Government, also of", and in clause (a) of the proviso, *omit* "the same as"; and *for* sub-section (4), *substitute*:—

"(4) Without prejudice to the provisions of section 21 of the General Clauses Act, 1897, any rule made under this section may be cancelled—

(a) where the general controlling authority concerned is the Central Government, by that Government; and

(b) where that authority is not the Central Government, by that authority with the sanction of the Central Government:

Provided that the Central Government shall not refuse its sanction to the cancellation of any rule unless it appears to it to be necessary so to do for the purpose of securing safety".

In sections 49, 50, 51 and 51A *omit* "not being a company for which the Statute 42 and 43 Vict., Chap. 41, provides".

Section 90.—*For* "where the safety controlling authority is different from the general controlling authority", *substitute* "where the general controlling authority is not the Central Government".

Section 140.—*Omit* "Native".

Section 145.—*Omit* "Native".

MOUNTBATTEN OF BURMA,
Governor-General

K. V. K. SUNDARAM,
Officer on Special Duty.

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PART I—Orders and Notifications by the Governor of ...t Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATION.

Constituent Assembly of India.

No. 138L.A.—27th February, 1948.—In pursu... of sub-rule (8) of rule 5 of the Constituent ...sembly Rules, I hereby declare that the only ...didate, Sri Kshitish Chandra Neogy, of 13A, ...thern Avenue, Kalighat post office, Calcutta 26, ...o has been duly nominated and who has not ...ithdrawn his candidature, has been duly elected ...a representative of the General Part of the West ...gal Legislative Assembly to the Constituent ...sembly of India in the vacancy caused by the ...ation of one additional General seat from the

province of West Bengal as now constituted as pe resolution, dated the 27th January, 1948, adopte by the Constituent Assembly of India.

By order of the Speaker,
A. R. MUKHERJEA,
Returning Officer and Secy. to the West Bengal Legislative Assembly

WEST BENGAL LEGISLATIVE ASSEMBL DEPARTMENT.

NOTIFICATION.

No. 439L.A. -27th February, 1948.—Where a vacancy has occurred in the Constituent Assembl of India by the creation of one additional Musli seat from the province of West Bengal as no constituted and in continuation of the notificatio No. 370L.A., dated the 19th February, 1948, pul lished in the *Calcutta Gazette Extraordinary* the 20th February, 1948, the following list of val nominations is hereby published for general infa mation :—

List of valid nominations.

(1) (Sir) Abdul Halim Ghuznavi.

(2) Abdur Rahman Siddiqi, Janab.

Note.—The poll will be taken on Wednesda the 3rd March, 1948, between 10-30 a.m. and noon at the Legislative Chamber in the Legislati Building, Calcutta (excluding the lobbies surroun ing the said Chamber).

A. R. MUKHERJEA,
Returning Officer and Secy. to the West Bengal Legislative Assembl

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GOVERNMENT OF WEST BENGAL

ST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATION.

. 444L.A.—27th February, 1948.—The follow- report of the Select Committee on the West Bengal Premises Rent Control (Temporary Provisions) Bill, 1947, with the Bill embodying amendments recommended by the Committee, is hereby published for general information :—

Report of the Select Committee on the West Bengal Premises Rent Control (Temporary Provisions) Bill, 1947.

We, the members of the Select Committee to which the West Bengal Premises Rent Control (Temporary Provisions) Bill, 1947, was referred to by a motion carried in the West Bengal Legislative Assembly on the 8th December, 1947, have the honour to submit this our final report with the Bill embodying amendments recommended by us.

2. The Committee met for the first time on the 12th January, 1948, in the Committee Room of the "Assembly House", Calcutta, under the Chairmanship of the Hon'ble Sri Kalipada Mookerji, Minister-in-charge of the Department of Land and Land Revenue. The Committee met from time to time with occasional recess but as the subject-matter of the Bill was difficult and intricate and as the Committee could not finish their deliberations on the provisions of the Bill, the Chairman presented the preliminary report at the meeting of the Assembly held on the 13th January, 1948, and moved for extension of time till the 17th February, 1948, for submission of the final report of the Select Committee.

3. The Committee thereafter continued their deliberations under the Chairmanship of the Hon'ble Sri Mohini Mohan Barman, Minister-in-charge of the Department of Land and Land Revenue, and finished their deliberations on the Bill on the 11th February, 1948.

4. The Bill was published before introduction in the *Calcutta Gazette, Extraordinary*, dated the 26th November, 1947.

5. We do not consider the Bill to have been so materially altered as to require republication. Matters recommended to be omitted by us have been printed in *italics* and included in square brackets and those recommended to be inserted have been underlined.

6. The reasons for the changes suggested in the Bill, apart from those of a purely drafting nature, are as follows:—

Clause 1.—*Sub-clause (1).*—The change in the short title of the Bill is due to the lapse of time.

Proviso to sub-clause (3).—We consider it desirable that the Act should be extended to urban areas.

Sub-clause (4).—We think it desirable that the period of operation of the Act should only be extended by a resolution of the West Bengal Legislative Assembly.

Clause 2.—We have thought it proper to include the definitions of "hotel or lodging house", "letting", "manager of a hotel" and "owner of a lodging house" in this clause to be more precise.

We have also thought it necessary to recast the definition of "premises" so as to exclude stalls in municipal markets and other markets owned by certain local authorities.

We have altered the definition of "standard rent" with reference to basic rent and allowed an increase on a graduated scale on the basic rent for the purpose of arriving at the standard rent.

We have altered the definition of "tenant" so as to include a "sub-tenant".

Clause 3.—Paragraph (*a*) of the proviso to sub-clause (*1*) has been omitted in view of the provisions made in clause 9.

Clauses 4 and 5.—We have recommended the deletion of these clauses as provisions have been made in clause 12.

Clause 9.—We have altered the period of time in respect of which refund of rent, etc., will be allowable.

Clause 11.—We have recommended the omission of this clause in view of the fact that provision has been made separately and in detail in Chapter IV-A.

Clause 12.—We consider that the date "1st December, 1941" should be changed to "1st October, 1946" with a view to arrive at a fair standard rent by the Controller.

Clause (*h*) has been inserted to provide for the fixation of standard rent in cases where a sub-tenant becomes a tenant immediately under the landlord.

Clause 13. The changes are more or less of a drafting nature only with the exception that the standard rent as fixed under clause (*f*) of section 12 shall take effect from the date of increase of municipal rates, etc.

Clause 14.—We have included certain additional grounds for ejection of a tenant. We do not consider that sub-tenancies beyond the sub-tenancy of the first degree should be recognised except without the consent of all the superior landlords. We have also made provisions for a sub-tenant to become a tenant directly under the landlord.

Clause 15.—We consider that a tenant should get the benefit of protection against eviction when a suit is pending against him for arrears of rent. We have inserted new sub-clause (2) providing that a tenant who fails to pay rent for three consecutive months shall be treated as a trespasser.

New clause 15A.- We have recommended for the insertion of this new clause making special provision for tenancies for not less than ten years and expiring on or after the 1st October, 1946.

Clause 17.—We have recast clause 17 with a view to give protection to the original tenant who will be entitled to restoration if and only when the premises are relet within six months of the recovery of possession by the landlord to a person other than the original tenant without notice to the Controller.

Clauses 18 to 23.- We have dispensed with the necessity of obtaining permission of the Controller as it involves undue delay.

We have provided for a new clause 18 empowering the Civil Courts to enquire into the grounds whether the cause for eviction exists.

Clause 19.—We consider it necessary to provide for the stay of execution of decrees and orders for recovery of possession in certain cases.

Clause 24.—We have made certain changes in this clause for better facilities to both landlord and tenant.

New clause 24A.—We desire that punishment should be given to such tenants who *mala fide* provide with incorrect names and addresses of their landlords.

New clauses 25A to 25F.—We have provided for a separate chapter for hotels and lodging houses.

Clause 26.—We have added a new sub-clause to provide for speedy disposal of cases. We consider that a member of the Judicial Branch of the Provincial Civil Service should be appointed as a Rent Controller, Additional Controller or Deputy Controller and so sub-clause (*l*) has been amended accordingly.

Clause 34.—We consider that the fines should be recoverable as a public demand.

Clauses 37 and 38.—We consider it desirable to provide for the recovery of repairing charges of premises from the landlord.

Clause 41.—We consider that an order made under section 17 should be executed in accordance with rules. The changes made in clause 41(2) (*g*) is consequential.

In new sub-clause (3) we have made a provision for laying of the rules framed by Provincial Government before the West Bengal Legislative Assembly for the information of members.

The Schedule.—A schedule has been inserted showing what the percentage of increase of rent should be, if it is to be allowed by the Controller or agreed upon by the parties. A slab system of rise has been recommended.

M. M. BARMAN,
Chairman.
SUSHIL KUMAR BANERJEE.
KUBER CHAND HALDAR.
HEMANTA KUMAR BASU.
BIMAL COMAR GHOSE.
SATISH CHANDRA BOSE.
BASANTLALL MURARKA.
*A. L. PODDAR.
A. F. M. ABDUR RAHMAN.
J. C. GUPTA.
MUHAMMED KHUDA BUKHSH.
*MD. RAFIQUE.

A. R. MUKHERJEA,
Secretary to the West Bengal Legislative Assembly.

*Signed subject to a minute of dissent.

Note.—Minute of Dissent by Sri A. L. Poddar was not received at the time of printing the report.

Minute of Dissent by Shaikh Md. Rafique.

The Bill contemplates some stringent measures against the landlord which were absent in the Ordinance. Besides these measures the present Bill makes the offence of taking *salami* a cognizable offence. Clause 32 while making the offence cognizable also makes it unbailable. This sub-clause (*2*) of clause 32 is open to much criticism and misuse. Even in grave offences bail is allowed. An offence is made unbailable where it is apprehended that the accused will abscond and will not be produced in court. There is no such possibility of this kind where a landlord is concerned as he possesses landed property. Again there is a possibility that a mischievous tenant lodges a false report say on Saturday evening and gets his landlord arrested. The Commissioner of Police even knowing that the landlord will not abscond cannot release him on any bail because the Bill does not provide it and the landlord will have to rot in jail for two nights and one day in case Monday is not a holiday. Such occurrences will not be rare. Where the tenant fears that the case will end in a failure he can quietly leave the premises and go away with impunity for lodging a false report. I think the offence though made cognizable should be made bailable.

THE WEST BENGAL PREMISES RENT CONTROL (TEMPORARY PROVISIONS) BILL, [*1947*] 1948.

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(Embodying amendments recommended by the Select Committee.)

[NOTE.—Matter omitted by the Select Committee has been printed in *italics* and enclosed in square brackets and new matter inserted has been underlined.]

A

BILL

to make better provision for the control of rents of premises in Calcutta and in other municipalities in West Bengal.

WHEREAS it is expedient to make better provision for the control of rents of premises in Calcutta and in other municipalities in West Bengal;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, commencement, extent and duration.

1. *(1)* This Act may be called the West Bengal Premises Rent Control (Temporary Provisions) Act, [*1947*] 1948.

(2) It shall come into force on such date as the Provincial Government may by notification direct.

(3) It extends to the whole of Calcutta and to all areas which have been or may hereafter be constituted municipalities under the provisions of the Bengal Municipal Act, 1932: Ben. Act XV of 1932.

Provided that the Provincial Government may, by notification, extend this Act or any specified part thereof to any other area specified in the notification [:] if the Provincial Government is satisfied that the area contains a number of inhabitants not less than the number required under proviso (*i*) to sub-section (*1*) of section 6 of the Bengal Municipal Act, 1932, for the area to be declared a municipality and that three-fourths of the adult male population of the area are chiefly employed in pursuits other than agriculture: [*Cf.* Ben. Act III of 1920, ss. 1(2) and 1(3).]

Provided further that the Provincial Government may, by notification, direct that this Act or any specified part thereof shall not apply to any such area or any such class of premises as may be specified in such notification and if any question arises as to whether, or not, any premises come within such area or class, the decision of the Provincial Government thereon shall be final.

[(4) It shall remain in force only up to the 31st day of March, 1950, but the Provincial Government may, by notification, direct that it shall remain in force for a further period or periods not exceeding in the aggregate three years]

(4) It shall remain in force only up to the 31st day of March, 1950, but the Provincial Government shall, by notification, direct that it shall continue in force for such further period or periods not exceeding in the aggregate three years if the Legislative Assembly of West Bengal by a resolution or by successive resolutions approves of such continuance:

Provided that the expiration of this Act shall not render recoverable any sum which during the continuance thereof was irrecoverable or affect the right of a tenant to recover any sum which during the continuance of this Act was recoverable by him thereunder. [*Cf.* Ben. Act III of 1920, s. 1(*4*), proviso.]

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,— [*Cf.* Ben. Act III of 1920, s. 2, and the Calcutta House Rent Control Order, 1943, para. 2.]

(1) "Calcutta" has the same meaning as in clause *(11)* of section 3 of the Calcutta Municipal Act, 1923; Ben. Act III of 1923.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(Chapter I—Preliminary.—Clause 2.)

(2) "Controller" means a Controller appointed under sub-section *(1)* of section 26 and includes an Additional Controller and a Deputy Controller appointed under sub-section *(2)* of that section;

(2a) "hotel" or "lodging house" means an establishment where lodging with or without board or other service is provided for a monetary consideration;

(3) "landlord" means any person who for the time being is receiving, or is entitled to receive, the rent of any premises whether on his own account or on account, or on behalf, or for the benefit, of any other person, or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent if the premises were let to a tenant and includes a legal representative, as defined in the Code of Civil Procedure, 1908, *[a tenant who sublets any premises and every person from time to time deriving title under a landlord;]* and every person from time to time deriving title under a landlord and further includes in respect of his sub-tenant, a tenant who sublets any premises; [*Cf.* Ordinance XXV of 1944, s. 2(*a*).] Act V of 1908.

(3a) "letting" includes subletting;

(3aa) "manager of a hotel" includes any person in charge of the management of a hotel;

(4) "notification" means a notification published in the *Official Gazette;*

(4a) "owner of a lodging house" includes any person who receives or is entitled to receive whether on his own account or on behalf of himself and others or as an agent or trustee any monetary consideration from any person on account of board or lodging or other service;

[(5) "premises" means any building or part of a building or any hut or part of a hut which is, or is intended to be, let separately for residential or non-residential purposes and includes,—

(a) the garden, grounds and out-houses (if any) appertaining to such building or part of a building or hut or part of a hut; and]

[(b) any furniture supplied by the landlord for use in such building or part of a building;

and also includes a room or rooms in an hotel, boarding house or lodging house, but does not include a stall let at variable rents at different seasons of the year for the retail sale of goods in a market as defined in clause (39) of section 3 of the Calcutta Municipal Act, 1923;] *Ben. Act III of 1923.*

(5) "premises" means any building or part of a building or any hut or part of a hut let separately and includes—

(*a*) the garden, grounds, and out-houses (if any) appertaining to such building or part of a building or hut or part of a hut;

(*b*) any furniture supplied or any fittings affixed by the landlord for use in such building or part of a building or hut or part of a hut;

but does not include a room or part of a room or other accommodation in a hotel or lodging house or a stall in a municipal market as defined in clause *(44)* of section 3 of the Calcutta Municipal Act, 1923, or in a market maintained by or belonging Ben. Act III of 1923.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(Chapter I—Preliminary.—Clause 2.)

to a local authority other than the Commissioners for the Port of Calcutta or a stall let at variable rents at different seasons of the year for the retail sale of goods in a market as defined in clause (39) of section 3 of the Calcutta Municipal Act, 1923, or clause (30) of section 3 of the Bengal Municipal Act, 1932; Ben Act. XV of 1932.

(6) "prescribed" means prescribed by rules made under this Act;

[(7) "standard rent" means—

(a) in relation to any premises in Calcutta, the rent at which the premises were let on the first day of December, 1941, or if they were not let on that date, the rent which has been fixed under the Calcutta House Rent Control Order, 1943, to be the rent which would have been paid on that date if the premises had been let, or where no such rent has been fixed, the rent which would in the opinion of the Controller have been paid on that date if the premises had been let, with the addition, in each case, of ten per centum on such rent:

Provided that if the rent at which any premises were let on the date of commencement of this Act is less than the standard rent as defined in this sub-clause, the rent at which such premises were let on the date of such commencement or the rent at which such premises were let on the first day of December, 1911, or, as the case may be, which would have been paid on the first day of December, 1911, if the premises had been let, whichever is greater, shall be deemed to be the standard rent of such premises;

(b) in relation to any premises in any other area to which this Act or any part thereof is extended by notification under the first proviso to sub-section (3) of section 1, the rent at which the premises were let on the first day of December, 1911, or if the premises were not let on that date, the rent which has been fixed under the Bengal House Rent Control Order, 1942, to be the rent which would have been paid on that date if the premises had been let or, where no such rent has been fixed, the rent which would in the opinion of the Controller have been paid on that date if the premises had been let, with the addition in each case, of twenty per centum on such rent;

(c) in relation to any premises the rent of which has been fixed by the Controller under sections 19 and 12, the rent so fixed;]

(7) "standard rent" in relation to any premises means—

(a) where the rent of any premises has been fixed under section 12, the rent so fixed;

(b) where rent has not been so fixed, the rent determined in accordance with the provisions of the Schedule;

(8) "tenant" means any person by whom, or on whose account, rent is, or but for a special contract would be, payable for any premises and includes a legal representative, as defined in the Code of Civil Procedure, 1908, and a person continuing in possession after the termination of a tenancy in his favour and further includes in respect of any tenant or sub-tenant who sublets any premises, his sub-tenant. Act V of 1908.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(*Chapter II—Provisions regarding rent and* salami.—*Clauses 3—8.*)

CHAPTER II.

PROVISIONS REGARDING RENT AND *salami*.

Restriction on the increase of rents.

3. (*1*) Subject to the provisions of this Act, where the rent of any premises has been or is hereafter during the continuance of this Act, increased so as to exceed the standard rent, the amount of such excess shall, notwithstanding any agreement to the contrary, be irrecoverable: [*Cf.* Ben. Act III of 1920, s. 4.]

Provided that nothing in this sub-section shall apply [,—

(a) to any rent which accrued due before the date of the commencement of this Act; or]

[(b)] to any periodical increment of rent accrued due under any written agreement entered into before the first day of December, 1941.

(*2*) For the purposes of sub-section (*1*), the rent shall be deemed to have accrued from day to day.

[Increase of rent allowed for improvements and supply of furniture by the landlord.

4. *Where some addition, improvement or alteration, not included in necessary repairs or repairs which are usually made to premises in the locality, has been made at any time after the first day of December, 1941, to any premises at the landlord's expense, or where any furniture has been supplied after the said date by the landlord for use in any premises or, where any premises which were let without any furniture on or after the said date are subsequently let furnished, the landlord may apply to the Controller to alter the standard rent.]* [*Cf.* Ben. Act III of 1920, s. 5 and the Calcutta House Rent Control Order, 1943, paras. 8(*1*) and 8(*2*).]

[Increase on account of payment of taxes.

5. *Where the landlord pays any municipal rates, taxes or cesses in respect of any premises, he may apply to the Controller to increase the standard rent to the extent of the increase in the amount for the time being payable by the landlord in respect of such rates, taxes or cesses over the amount paid in the period of assessment which included the first day of December, 1941.]* [*Cf.* Ben. Act III of 1920, s. 7.]

Premium, *salami* or fine not to be claimed, received or asked for or advance of more than one month's rent not to be claimed or received.

6. No person shall, in consideration of the grant, renewal or continuance of a tenancy of any premises — [*Cf.* Ben. Act III of 1920, s.9(*1*) and the Calcutta House Rent Control Order, 1943, paras. 5 and 5A.]

(*a*) claim, receive or invite offers or ask for the payment of any premium, *salami*, fine or any other like sum in addition to the rent, or

(*b*) except with the previous written consent of the Controller, claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance.

Exception in the case of long leases for purposes of development.

7. Notwithstanding anything contained in section 6, a landlord may receive a premium or *salami* or other like sum in addition to the rent in respect of any premises which are let on a lease for a period of not less than twenty years for the purposes of development either by building or re-building if the period limited by the lease is not expressed to be terminable at the option either of the landlord or of the tenant at any time within a period of five years from the date of commencement of the period so limited: [*Cf.* Ben. Act III of 1920, s. 10.]

Provided that the rent payable for the premises during the continuance of this Act shall not exceed the standard rent.

Restriction on the sale of furniture in any premises let to a tenant.

8. (*1*) No person shall make the purchase of any furniture in any premises a condition of the grant, renewal or continuance of a tenancy of such premises and no person shall sell the furniture in any premises of which he is the landlord to the tenant of such premises or to any person to whom the premises are afterwards let except under a permit in the prescribed form from the Controller.

(*2*) No landlord shall be entitled to recover as the price of any furniture in any premises on sale of such furniture to the tenant of such premises or to any person to whom the premises are afterwards let, any sum in excess of the market-value of such furniture; and the Controller may, on

application made to him by any person interested and on payment of the prescribed fee, determine the market-value of such furniture recoverable under this sub-section.

Refund of rent, premium, *salami*, etc., not recoverable under this Act.

9. *(1) [Where any sum has, whether before or after the commencement of this Act but not earlier than the 26th day of June, 1943, been paid in respect of occupation of any premises after the commencement of this Act,—]* where any sum has been paid in respect of the occupation of any premises on or after the date of the commencement of this Act or within a period of six months before such date,— [Cf. Ben. Act III of 1920, s. 14 and the Calcutta House Rent Control Order, 1943, paras. 6(2) and 6(3).]

(*a*) on account of rent, being a sum which is by reason of the provisions of this Act irrecoverable, or

(*b*) as premium, *salami*, fine *[or other like imposition]* or other like sum in addition to the rent or as rent in advance, the claiming or the receiving of which is prohibited under this Act, or

(*c*) on account of price of any furniture in such premises, being a sum which is in excess of the market-value of such furniture and the recovery of which is prohibited under this Act,

the Controller may, on application made to him in this behalf at any time within a period of six months *[from the date of commencement of this Act or from the date of such payment, whichever is later,]* from the date of such payment by the tenant by whom such payment was made, order the landlord by whom such payment was received to refund such sum to such tenant, or at the option of such tenant, order the adjustment of any sum so paid in any other manner.

(*2*) An order of refund passed by the Controller under sub-section (*1*) shall be executed by the Court having jurisdiction to entertain a suit for the recovery of arrears of rent in respect of the premises in relation to which the sum ordered to be refunded was paid as if such order of refund were a decree of that Court.

Grant of certificate of standard rent by the Controller.

10. The Controller shall, on application made to him by any landlord or tenant, grant a certificate stating the standard rent referred to in *[clauses (a) and (b)]* clause (*b*) of sub-section (7) of section 2, of any premises leased or rented by such landlord or tenant, as the case may be. [*Cf.* Ben. Act III of 1920, s. 15.]

[Fixation of charges of any room in an hotel, etc.

11. *The Controller may, of his own motion and shall, on application made to him by any person interested, fix the charge for any room or rooms in an hotel, boarding house or lodging house at such sum as, having regard to the provisions of this Act and the circumstances of the case, including the cost of food, furniture and service, and the other amenities of the hotel, boarding house or lodging house, and the charge paid for such room or rooms on the first day of December, 1941, he deems just :*

Provided that where the charge for any such room or rooms has been fixed under the Bengal Hotels and Lodging Houses Control Order, 1942, the charge so fixed shall be deemed to be the charge fixed under this sub-section until it is modified or altered by an order made by the Controller under this section.]

Cases in which standard rent shall be fixed by the Controller.

12. In any of the following cases, the Controller shall, on application made to him by any landlord or tenant, fix the standard rent at such amount as, having regard to the provisions of this Act and the circumstances of the case, he deems just :—

(*a*) where *[any]* the premises have been *[or are]* erected *[and let to tenants for the first time after the first day of December, 1941;]* after the first day of October, 1946;

(*b*) where by reason of any premises having been let at one time as a whole, and at another time in parts, *[or where by reason of a tenant having sublet a part of any premises let to him,]* or where for any other reason, any difficulty arises in giving effect to this Act;

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(Chapter II—Provisions regarding rent and salami.—*Clause 13.)*

(*c*) where any premises have been or are let rent free, or at a nominal rent, or for some consideration in addition to rent;

(*d*) where some addition, improvement or alteration not included in necessary repairs or repairs which are usually made to premises in the locality, has been made at any time after the first day of *[December, 1941,]* October 1946, to any premises at the landlord's expense;

(*e*) where any furniture has been supplied on or after first day of *[December, 1941,]* October, 1946, by the landlord for use in any premises or where any premises which were let without any furniture on or after the said date are subsequently let furnished;

(*f*) where there has been an increase in the municipal rates, taxes or cesses in respect of any premises; *[or]*

(*g*) where for any other sufficient cause the rent at which the premises were let on the first day of *[December, 1941,]* October, 1946, or at which the premises are for the time being let is not, in the opinion of the Controller, just and fair *[:]* ; or

(*h*) where the provisions of sub-section (*4*) of section 14 or of section 15A apply and there is a dispute about the rent or the apportionment of rent :

Provided that,—

(*ai*) in fixing the standard rent under clause (*a*) the Controller shall take into account the prevailing rate of rent in the locality for similar accommodation with similar advantages and amenities;

(*i*) under clause (*d*), the Controller shall not increase the rent by more than ten *per centum per annum* of the amount expended on the addition, improvement or alteration made to the premises; */as provided in section 4;/ and*

(*ii*) in fixing the standard rent under clause (*e*), the Controller shall take into consideration the market value on the date on which the standard rent is so fixed of the furniture supplied */:/.* [*Cf.* The Calcutta House Rent Control Order, 1943, para. 8(*5*).]

[Provided further that where the amount of any increase in rent allowable on the ground specified in clause (d), or clause (e), in respect of any premises in Calcutta has been determined under sub-paragraph (5) of paragraph 8 of the Calcutta House Rent Control Order, 1943, or where the amount of any increase in rent allowable on the ground specified in clause (d) in respect of any premises in any other town or local area to which this Act or any part thereof has been extended, has been determined under sub-paragraph (3) of paragraph 9 of the Bengal House Rent Control Order, 1942, the increase in rent so determined shall be deemed to be the increase in rent determined under this sub-section and the rent so increased shall be deemed to be the standard rent fixed under this sub-section of the premises in respect of which such increase has been determined until it is modified or altered by an order of the Controller under this sub-section.]

Date on which standard rent fixed by the Controller takes effect.

13. In every case in which the Controller fixes the standard rent, *[or increases]* or in fixing the standard rent allows any increase in the rate of rent payable, in respect of any premises, he shall appoint a date from which the standard rent so fixed or the increase so allowed shall be deemed to have effect and such date may be any date anterior to the date of any order of the Controller under this section if the [*Cf.* Ordinance XXV of 1944, s. 7(*5*).]

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(Chapter III—Suits and proceedings for eviction.—Clause 14.)

Controller deems such anterior fixation of the date just and proper in the circumstances of the case *[.]*:

Provided that where the standard rent is fixed under clause (*f*) of section 12 such standard rent shall be deemed to have effect from the date on which the increase in the municipal rates, taxes and cesses came into force.

CHAPTER III.

SUITS AND PROCEEDINGS FOR EVICTION.

No order for ejectment ordinarily to be made if rent paid at allowable rate.

14. (*1*) Notwithstanding anything contained in the Transfer of Property Act, 1882, the Presidency Small Cause Courts Act, 1882, or the Indian Contract Act, 1872, no order or decree for the recovery of possession of any premises shall be made as long as the tenant pays *[rent]* to the full extent the rent allowable by this Act and performs the conditions of the tenancy: [*Cf.* Ben. Act III of 1920, s. 11 and the Calcutta House Rent Control Order, 1943, para. 9.] IV of 1882. XV of 1882. IX of 1872.

Provided that nothing in this sub-section shall apply,—

(*a*) where the tenant has done any act contrary to the provisions of clause (*m*), clause (*o*) or clause (*p*) of section 108 of the Transfer of Property Act, 1882, or

[(b) where the tenant has, in the case where there is a contract the terms of which prevent him from subletting the premises without the consent of the landlord, sublet the premises in whole or in part without such consent unless such consent has been unreasonably withheld, or]

(*b*) where the tenant has in case where there is a contract in writing the terms of which expressly prevent him from subletting the premises, sublet or assigned his interest in the premises, or

(*bb*) where the tenant has sublet or assigned his interest in the whole of the premises or a major portion of the premises for a period exceeding six months, or

(*bbb*) where the tenant has been convicted of using the premises or allowing the premises to be used for immoral or illegal purposes, or

(*bbbb*) where the condition of the premises have materially deteriorated owing to acts of waste by or neglect or default of the tenant or of any person residing with the tenant, or

(*c*) where the tenant has been guilty of conduct which is a nuisance or an annoyance to occupiers of adjoining or neighbouring premises, or

(*d*) where the premises are *bona fide* required by the landlord either for purposes of building or re-building, or for his own occupation or for the occupation of any person for whose benefit the premises are held, or *[where the landlord can show any cause which may be deemed satisfactory by the Court.]*

(*e*) where the landlord can show any cause which may be deemed satisfactory by the Court.

(*2*) The fact that the period of the lease has expired, or that the interest of the landlord in the premises has been transferred, shall not of itself be deemed to be a satisfactory cause within the meaning of clause *[(d)]* (*e*) of the proviso to sub-section (*1*) provided that the tenant is ready and willing to pay *[rent]* to the full extent the rent allowable by this Act.

(*3*) Notwithstanding anything contained in this Act or any other law for the time being in force, it shall not be

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(Chapter III—Suits and proceedings for eviction.—Clause 15.)

lawful after the commencement of this Act, for a tenant inferior to a tenant of the first degree to let in whole or in part the premises let to him except with the consent of the landlord and of all the tenants of a superior degree above him.

Explanation.—In this sub-section—

(*a*) "a tenant of the first degree" means a tenant who does not hold under any other tenant;

(*b*) "a tenant inferior to a tenant of the first degree" means a tenant holding immediately or mediately under a tenant of the first degree;

(*c*) "landlord" means the landlord of a tenant of the first degree.

(*4*) Where the interest of a tenant of any premises is determined either as a result of the landlord recovering possession through court or otherwise for any other reason, any person to whom the premises or any part thereof have been lawfully sublet shall, subject to the provisions of this Act, be deemed to become the tenant of the landlord on the same terms and conditions as he would have held from the tenant if the tenancy had continued.

When a tenant can get the benefit of protection against eviction.

15. (*1*) No tenant shall be entitled to the benefit of section 14 in respect of any premises unless,—

(*a*) he pays the rent due by him in respect of such premises to the full extent allowable by this Act within the time fixed in the contract with his landlord or, in the absence of such contract, by the fifteenth day of the month next following that for which the rent is payable, and

(*b*) in the case where any rent has accrued due before the commencement of this Act, he has also paid within one month of the date of such commencement all arrears of rent due by him in respect of such premises to the full extent allowable by this Act except where the arrears are already the subject matter of a suit or proceeding before a Court or of any order of Court, and

(*c*) in the case where the Controller has, in fixing the standard rent, allowed any increase in the rate of rent payable in respect of such premises with effect from any date earlier than the date of the order, he has paid also the amount that has become payable by him on account of such increase, for any period preceding the date of such order, to the full extent and within the time specified in this behalf by the Controller or, in the absence of any such specification, within one month of the date of such order, or

where the landlord has refused to accept any rent referred to in clause (*a*), clause (*b*) or clause (*c*), or where there is a *bona fide* doubt or dispute as to the person who is entitled to receive such rent, unless the tenant has deposited such rent or any subsequent rent in respect of such premises as provided in section 24 together with, in the case mentioned in clause (*b*) of sub-section (*1*) of that section, the cost of transmission referred to in that clause within the time specified in that section.

Explanation.—A landlord shall not for the purposes of this section be deemed to have refused to accept any rent unless the rent is remitted within the period referred to in clause (*a*) or clause (*b*) or clause (*c*), as the case may be, of this section by postal money order to the address of the landlord and the rent so remitted is returned to the tenant by the postal authorities as undelivered either on account of the landlord having refused to accept payment thereof or for any other cause.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(Chapter III—Suits and proceedings for eviction.—Clauses 15A—18.)

(2) Notwithstanding anything contained in this Act or in any other law for the time being in force, a tenant who fails to pay any rent or to deposit the rent as provided in this Act for three consecutive months after such rent becomes due and payable shall *ipso facto* cease to be a tenant and shall be deemed to be a trespasser.

Special provision for tenancies for not less than ten years.

15A. Notwithstanding anything contained in this Act, where a tenant has sublet in whole or in part any premises let to him for a period of not less than ten years, and such period expires on or after the 1st day of October, 1946, the tenant shall not be entitled to the benefit of section 14 in respect of such premises to the extent sublet and in such cases the person to whom the premises have been sublet shall be deemed to be a tenant holding directly under the landlord on the same terms and conditions as he held under the tenant in so far as such terms and conditions are consistent with the circumstances and with this Act.

Meaning of allowable rent.

16. For the purposes of section 14, the rent allowable by this Act in relation to any premises means, —

[(a) where the standard rent in respect of such premises has been fixed by the Controller under section 10 or section 12, the standard rent so fixed, or]

(*a*) where a certificate has been granted by the Controller under section 10, the standard rent stated in such certificate, or

(*aa*) where the standard rent has been fixed under section 12, the standard rent so fixed, or

[(b) where such standard rent has not been so fixed, the rent agreed upon between the landlord and the tenant to be paid in respect of such premises or, when the rent so agreed upon exceeds the standard rent of such premises, so much of the rent so agreed upon as does not exceed the standard rent.]

(*b*) where no certificate has been granted under section 10 and no standard rent has been fixed under section 12, the rent agreed upon between the landlord and the tenant omitting the excess, if any, over the standard rent.

When a tenant is entitled to restoration of possession and compensation.

17. Where the landlord recovers possession on the ground that the premises are *bona fide* required by him for purposes of building or re-building or for his own occupation or for the occupation of any person for whose benefit the premises are held, and the building or the re-building of the premises is not commenced, or the premises are not occupied by the landlord or such person, within two months of the date of vacation of the premises by the previous tenant, or the premises, having been so occupied, are re-let within six months of the said date to any person other than the previous tenant without any notice being given in the prescribed manner to the Controller, the Controller may, on the application of the previous tenant made within seven months of his vacating the premises, direct the landlord to put the previous tenant in possession of the premises or to pay him such compensation as may be fixed by the Controller, or both.

[Suit or proceeding for eviction not to be instituted without previous permission of the Controller.

18. *No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom in which any of the grounds specified in clauses (b) and (d) of the proviso to sub-section (1) of section 14 has been taken as a ground for such eviction shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under section 20 to institute such suit or proceeding and has produced before such Court proof that such permission has been granted.]*

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(Chapter III—Suits and proceedings for eviction.—Clauses 19—21.)

[Execution of decree or order for recovery of possession to be stayed in certain cases.

19. *If in any suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, a decree or order for the recovery of possession of such premises has been made before the date of commencement of this Act on any of the grounds specified in clause (c) of the proviso to sub-paragraph (1) of paragraph 9 of the Calcutta House Rent Control Order, 1943, or in clause (c) of the proviso to sub-paragraph (1) of paragraph 10 of the Bengal House Rent Control Order, 1942, but the possession of such premises has not been recovered from the tenant, the execution of such decree or order shall be stayed until the landlord produces before the Court by which such decree or order may be executed or in which such execution is pending, as the case may be, proof that he was permitted by the Controller appointed under the Calcutta House Rent Control Order, 1943, or the Bengal House Rent Control Order, 1942, as the case may be, to institute such suit or proceeding or to prosecute such suit or proceeding or to recover possession of such premises by the execution of such decree or order or that he has been permitted by the Controller by an order in writing under section 20 to recover possession of such premises by the execution of such decree or order.]*

[When the Controller is to make an order permitting the landlord to sue the tenant for eviction.

20. *A landlord who desires to obtain from the Controller,—*

(a) any order referred to in section 18 permitting him to institute a suit or proceeding referred to in that section against a tenant in possession of any premises for evicting such tenant therefrom, or

(b) any order referred to in section 19 permitting him to recover possession of the premises in respect of which any decree or order referred to in the said section has been made by the execution of such decree or order,

shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity for showing cause against the application and after considering all the circumstances of the case, is satisfied that,—

(i) in the case referred to in clause (a), there is sufficient cause to hold that any of the grounds specified in clauses (b) and (d) of the proviso to sub-section (1) of section 14 which has been taken by the landlord as a ground for eviction of the tenant in such suit or proceeding exists, and that in the case of a suit or proceeding for eviction on the ground specified in clause (b) of the said proviso, the consent of the landlord to sublet the premises has not been unreasonably withheld, and

(ii) in the case referred to in clause (b), it is a fit case for the landlord to recover possession of the premises by execution of the decree or order referred to in that clause on any of the grounds referred to in section 19 on which such decree or order has been made,

the Controller shall, after recording his reasons in writing, make the order applied for, and, if the Controller is not so satisfied, he shall, also after recording his reasons in writing, make an order rejecting the application.]

[The Controller may allow time to the tenant to vacate the premises in certain cases.

21. *The Controller may, before making under section 20 any order referred to in section 19 permitting a landlord to recover possession of any premises by the execution of a decree or order, allow such time as he considers necessary to the tenant to vacate the premises and to deliver possession thereof to the landlord.]*

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(Chapter III.—Clauses 22—23.)

[Suit or proceeding for eviction for non-compliance with the provisions of the Act as to payment of rent.

22. *(1) No suit or proceeding by a landlord against a tenant in possession of any premises for eviction of such tenant therefrom, in which non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises to the full extent allowable by this Act within the time specified in that behalf in this Act has been taken as a ground for such eviction, shall be entertained by any Court unless the landlord has been permitted by the Controller by an order in writing under sub-section (2) to institute such suit or proceeding and has produced before such Court proof that such permission has been granted.*

(2) A landlord desiring to obtain from the Controller any order referred to in sub-section (1) permitting him to institute a suit or proceeding referred to in that sub-section against any tenant in possession of any premises for evicting such tenant therefrom shall apply in writing to the Controller in that behalf, and if, on receipt of such application, the Controller, after giving the tenant in possession of the premises an opportunity of showing cause against the application and considering all the circumstances of the case, is satisfied that there has been no such non-compliance with the provisions of this Act as to the payment or deposit of rent due by such tenant in respect of such premises, or that reasonable grounds exist for such non-compliance, and if the tenant has paid to the landlord or has deposited in the manner in which a deposit of rent is required to be made under sub-section (1) of section 24 the rent allowable by this Act in arrear before an order under this sub-section is made, the Controller shall, after recording his reasons in writing, make an order rejecting the application, but, if the Controller is not so satisfied or if the tenant has not so paid or deposited the rent allowable by this Act in arrear, the Controller shall, also after recording his reasons in writing, make the order applied for.]

[Cf. The Calcutta House Rent Control Order, 1943, para. 9B, and the Bengal House Rent Control Order, 1942, para. 10A (4).]

[Stay of suit and proceeding for eviction of a tenant pending appeal.

23. *Where any appeal has been presented under section 30 against an order of the Controller under section 20 or under sub-section (2) of section 22 permitting a landlord to institute a suit or proceeding in any Court or against an order of the Controller under section 20 permitting a landlord to recover possession of any premises by the execution of a decree or order, all proceedings in connection with such suit or proceeding or the execution of such decree or order, shall be stayed during the period such appeal is pending on intimation of such appeal being given to the Court in which such suit or proceeding has been instituted or such suit or proceeding or the execution of such decree or order is pending, as the case may be, by the person by whom such appeal has been presented.]*

[Cf. The Calcutta House Rent Control Order, 1943, para. 9D.]

Special procedure for suits and proceedings for eviction of tenants.

18. (1) Notwithstanding anything contained in any other law for the time being in force, in every suit or proceeding by a landlord against the tenant for recovery of possession of any premises on one or more of the grounds specified in the proviso to sub-section (1) of section 14 or on the ground of non-compliance with the provisions of this Act regarding payment or deposit of rent, the Court shall before the first hearing, decide if there is sufficient cause for proceeding with the suit or proceeding.

(2) In deciding whether there is such sufficient cause the Court shall consider any arguments advanced by the parties and any affidavits filed.

(3) If the Court is satisfied that such sufficient cause exists, the Court shall make an order that the suit or proceeding be proceeded with.

(4) If the Court is satisfied that no such sufficient cause exists, the Court shall make an order that the suit or proceeding be not proceeded with.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(Chapter III—Suits and proceedings for eviction.—Clause 19 —Chapter IV—Deposit of rent.—Clause 24.)

(5) Where the Court makes an order under sub-section (1) that the suit or proceeding be not proceeded with, the Court may in addition make such order as to payment of costs and refund of court fees as it deems fit.

Stay of execution of certain decrees and orders.

19. Where a decree or order has been made before the commencement of this Act in a suit or proceeding by the landlord for the eviction of a tenant on the ground that the premises were sublet in contravention of the provisions of the Bengal House Rent Control Order, 1942, the Calcutta House Rent Control Order, 1943 or the Calcutta Rent Ordinance, 1946 and possession of the premises has not been recovered from the tenant in execution of such decree or order, the execution of such decree or order shall be stayed unless the premises were sublet in breach of a contract in writing the terms of which expressly prevented the tenant from subletting the premises. Ben. Ord. V of 1946.

CHAPTER IV.

DEPOSIT OF RENT.

Deposit of rent by the tenant.

24. (1) When a landlord refuses to accept any rent referred to in section 15 remitted by postal money order by a tenant in respect of any premises, the tenant *[may]* shall, in the prescribed manner,— [*Cf.* The Calcutta House Rent Control Order, 1943, para. 10.]

(*a*) deposit such rent within a fortnight of the date on which the rent so remitted is returned to the tenant by the postal authorities as undelivered, and

(*b*) unless the landlord signifies by notice in writing to the tenant his willingness to accept any subsequent rent which becomes due in respect of such premises, also deposit such rent within a fortnight of the date on which such rent becomes due, or from the expiry of the time within which such rent is required to be paid under clause (*a*) of section 15 together with the cost of transmission by postal money order of the money deposited to the landlord.

(2) Where any *bona fide* doubt or dispute has arisen as to the person who is entitled to receive any rent in respect of any premises, the tenant,—

(*a*) may deposit such rent, stating the circumstances under which such deposit is made, and

(*b*) may continue to deposit every subsequent amount of rent which becomes due in respect of such premises, also stating the circumstances under which such deposit is made, until such doubt has been removed or such dispute has been settled by the decision of any competent Court or by settlement between the parties,

within a fortnight of the date on which such rent becomes due or from the expiry of the time within which such rent is required to be paid under clause (*a*), clause (*b*) or clause (*c*) of section 15, as the case may be, in the same manner as has been prescribed for the deposit of rent under sub-section (1).

(3) On any deposit being made under sub-section (1) the Controller shall *[forthwith]* within fifteen days from the date of such deposit forward the same by postal money order to the address of the landlord.

(4) Where any money has been deposited under clause (*a*) of sub-section (1) the cost of transmission thereof to the landlord by postal money order shall be recoverable from the landlord and in forwarding the money so deposited to the landlord by postal money order the Controller shall deduct therefrom such cost of such transmission and the cost of serving notice under sub-section (3).

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(Chapter IV—Deposit of rent—Clauses 24A, 25—Chapter—IV-A—Hotels and lodging houses—Clause 25A.)

(5) If the money sent by the Controller under sub-section (3) by postal money order to any landlord is returned undelivered, the Controller shall cause a notice of the receipt of the deposit to be served by registered post on the landlord in the prescribed manner and the amount lying in deposit may, subject to such rules as may be made under this Act, be withdrawn by the landlord on application made by him to the Controller in that behalf, and if such amount is not so withdrawn before the expiration of *[one year]* five years from the date of service of such notice, it shall, subject to any order of any Court, be forfeited to His Majesty, and notwithstanding anything contained in any other law for the time being in force or in any contract the landlord shall not be entitled to recover the said amount by suit or otherwise from the tenant by way of his dues in respect of the premises on account of which such deposit was made.

(6) When a deposit has been made under sub-section (2), the amount of such deposit shall be held by the Controller pending the removal of the doubt or the settlement of the dispute which has arisen as to the person who is entitled to receive the rent either by the decision of a competent Court or by settlement between the parties and the amount of such deposit may be withdrawn by the person who is declared by such Court to be entitled to it or who is held by the Controller to be entitled to it in accordance with such settlement.

(7) No suit or other legal proceeding shall be instituted against the Crown or against any officer of the Crown in respect of anything done in good faith by the Controller receiving a deposit under this section, but nothing in this section shall prevent any person entitled to receive the amount of any such deposit from recovering the same from a person to whom it has been paid under this section.

Punishment for giving incorrect address of the landlord.

24A. If a tenant while making a deposit of any rent under section 24 wilfully gives an incorrect name or address of his landlord, he shall on conviction be punished with fine which may extend to five hundred rupees.

Saving as to acceptance of rent.

25. When a landlord accepts rent in respect of any premises sent by postal money order by a tenant under section 15 or by the Controller under sub-section (3) of section 24 or withdraws any rent deposited under section 24, the fact of this acceptance or withdrawal shall not be used in any way as evidence that he has admitted as correct any of the particulars set forth in the postal money order form or in the application for deposit of such rent or that he has waived any notice to quit given by him to the tenant.

CHAPTER IV-A.

HOTELS AND LODGING HOUSES.

Fixation of fair rate and number of lodgers.

25A. The Controller may on application by any person interested—

(a) fix a fair rate to be charged for board, lodging or other service provided in a hotel or a lodging house and in fixing such fair rate specify separately the rate for lodging, board or other service; or

(b) fix the number of lodgers to be accommodated in each room or specified room in a hotel or a lodging house.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(Chapter IV-A—Hotels and lodging houses.—Clauses 25B—25F—Chapter V—Appointment of the Controller and other officers, their powers and functions—Clause 26.)

Revision of fair rate and number of lodgers.

25B. The Controller may from time to time revise the fair rate or the number of lodgers fixed under section 25A.

Notice of fair rate and number of lodgers to be displayed.

25C. Where the fair rate or the number of lodgers has been fixed under section 25A for a hotel or a lodging house the manager of such hotel or lodging house shall display in a conspicuous part of the hotel or the lodging house a notice of the fair rate and the number of lodgers so fixed.

Agreement for payment of charges in excess of fair rate.

25D. An agreement for the payment of any charge in excess of the fair rate referred to in section 25A shall be null and void in respect of such excess and shall be construed as if it were an agreement for payment of such fair rate.

No eviction if fair rate paid.

25E. No manager of a hotel or owner of a lodging house shall have any right to evict or refuse board or other service to a lodger as long as he pays or is ready and willing to pay the fair rate fixed under section 25A and observes and performs the other conditions of the agreement in so far as they are not inconsistent with the provisions of this Chapter:

Provided that a lodger shall not be entitled to the benefit of this section—

(*a*) if the lodger has been guilty of conduct which is a nuisance or an annoyance to the other lodgers of the hotel or the lodging house; or

(*b*) if the lodger has continuously been absent from such hotel or lodging house for a period exceeding two months; or

(*c*) if the lodger having contracted to stay for a stipulated period stays beyond that period unless the Controller on an application made to him in this behalf extends the period.

Punishment.

25F. (*1*) Every manager of a hotel or owner of a lodging house who accommodates lodgers or permits lodgers to be accommodated in a room or specified accommodation in excess of the number fixed by the Controller under section 25A, except with the consent of all the lodgers of such room or specified accommodation, shall on conviction be punished with fine which may extend to one thousand rupees.

(*2*) Every manager of a hotel or owner of a lodging house who fails to display a notice as required under section 25C of the fair rate or the number of lodgers fixed under section 25A shall on conviction be punished with fine which may extend to five hundred rupees.

CHAPTER V.

APPOINTMENT OF THE CONTROLLER AND OTHER OFFICERS, THEIR POWERS AND FUNCTIONS.

Appointment of Controller and Additional and Deputy Controllers.

26. (*1*) The Provincial Government may, by notification, appoint a person to be the Controller for any area to which this Act extends to exercise the powers and discharge the duties conferred and imposed upon the Controller by or under this Act in such area.

(*2*) The Provincial Government may also by notification appoint any person to be an Additional Controller or a Deputy Controller for any area to which this Act extends.

(*3*) An Additional Controller or a Deputy Controller shall exercise such of the functions of the Controller as may, subject to the control of the Provincial Government, be assigned to him by the Controller and in the discharge of these functions an Additional Controller or a Deputy Controller shall exercise the same powers and discharge the same duties as the Controller.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(Chapter V—Appointment of the Controller and other officers, their powers and functions.—Clauses 27-29.)

(3A) The Controller may—

(*a*) transfer any case pending before him for disposal to any Additional Controller or Deputy Controller, or

(*b*) withdraw any case pending before any Additional Controller or Deputy Controller, and

(*i*) dispose of the same himself, or

(*ii*) transfer the same for disposal to any other Additional Controller or Deputy Controller.

(4) A Controller, an Additional Controller or a Deputy Controller appointed under this section shall be either,—

(*a*) a member of the [*Executive or*] Judicial Branch of the Provincial Civil Service of not less than ten years' standing in such service, or

(*b*) a barrister, advocate or attorney of the High Court in Calcutta of not less than ten years' standing, who has practised as such, and has experience of rent values and land acquisition cases in Calcutta.

Final hearing of certain applications.

27. (1) The hearing of every application made to the Controller under this Act shall be completed within a period of three months in the case of an application for exercise of the powers conferred on him by sections 10 [, 11] and 12, [*or for obtaining his permission under sections 18, 19, 20 and 22*] and within a period of one month in the case of an application for obtaining his permission under sub-section (2) of section 37, unless, for reasons to be recorded by the Controller in writing, it is not possible for him to complete the hearing within that period.

(2) The hearing of any application referred to in sub-section (1) shall, when it has begun, be continued from day to day unless for reasons to be recorded by the Controller in writing it is not possible so to do.

Notice to landlords and tenants before exercising powers under the Act.

28. Before exercising any of the powers conferred on him by this Act, the Controller shall give notice by registered post of his intention to do so to the landlord and to the tenant, if any, and shall cause a copy of such notice to be affixed in a conspicuous place at the office of the Controller, and shall duly consider any application received by him within the period specified in the notice from any person having any interest in the premises in respect of which such power is exercised.

Power to enter and inspect premises, to require information and to summon witnesses.

29. (1) For the purposes of any inquiry under this Act the Controller may,—

[*Cf.* Ben. Act III of 1920, ss. 16 and 17 and the Calcutta House Rent Control Order, 1943, para. 13.]

(*a*) enter and inspect any premises at any time between sunrise and sunset;

(*b*) authorise any officer subordinate to him to enter and inspect any premises; or

(*c*) by written order require any person to produce for his inspection such accounts, rent receipts, books or other documents relevant to the inquiry, at such time and at such place, as may be specified in the order:

Provided that no premises shall be entered under clause (*a*) or clause (*b*), without the consent of the occupier, unless at least twenty-four hours' previous notice in writing has been given.

(2) The Controller shall, subject to any rules made under this Act, and, in so far as such powers are necessary for carrying out the provisions of this Act, have power to summon and enforce the attendance of witnesses, and to compel the production of documents by the same means and, so far as may be, in the same manner as is provided in the case of a Court by the Code of Civil Procedure, 1908.

Act V of 1908.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(Chapter VI—Appeal, review, jurisdiction and penalty.—Clauses 30, 31.)

CHAPTER VI.

APPEAL, REVIEW, JURISDICTION AND PENALTY.

Appeal and review.

30. (*1*) Any person aggrieved by an order of the Controller may, within thirty days from the date of the order, present an appeal in writing,— [*Cf.* The Calcutta House Rent Control Order, 1943, para. 14 and the Bengal House Rent Control Order, 1942, para. 12.]

(*a*) in respect of premises in the Presidency town of Calcutta, to the Chief Judge of the Court of Small Causes of Calcutta, and

(*b*) in respect of premises elsewhere, to the District Judge of the district in which the premises in respect of which such order is made are situated:

Provided that no appeal shall lie under this sub-section from any order made by the Controller under section 38.

(*2*) The Provincial Government may, by notification, appoint any person who has exercised the powers of a District Judge in Bengal to hear appeals presented under clause (*a*) of sub-section (*1*) to the Chief Judge of the Court of Small Causes of Calcutta and may, by notification, also appoint any person who is a judicial officer not below the rank of a subordinate judge to hear appeals presented under clause (*b*) of the said sub-section to a District Judge.

(*3*) The Chief Judge of the Court of Small Causes of Calcutta to whom an appeal is presented under clause (*a*) of sub-section (*1*) or a District Judge to whom an appeal is presented under clause (*b*) of that sub-section may transfer such appeal to any person appointed to hear any such appeal under sub-section (*2*) and may withdraw any appeal so transferred and either hear and dispose of it himself or transfer it to any other person appointed to hear such appeals under sub-section (*2*).

(*4*) The Chief Judge or the District Judge or any person appointed under sub-section (*2*) to whom an appeal is transferred under sub-section (*3*), as the case may be, shall then send for the record of the case from the Controller and after perusing such record and, if necessary, taking such evidence himself or personally making such further inquiries as he thinks fit, shall decide the appeal.

(*5*) Subject to such rules as may be made under this Act, any order passed under this Act by the Controller, the Chief Judge of the Court of Small Causes of Calcutta or a District Judge or a person appointed under sub-section (*2*) may be reviewed by the person who passed the order on the ground of the discovery of any new and important matter or evidence or on account of some mistake or error apparent on the face of the record or for any other sufficient cause:

Provided that before any order is passed under this sub-section which is likely to affect any person adversely such person shall be given a reasonable opportunity of being heard.

(*6*) The High Court, on application made in that behalf by any person aggrieved by an order passed in appeal by the Chief Judge or the District Judge or a person appointed under sub-section (*2*), either imposing, or confirming any order passed by the Controller imposing a fine under section 31 or section 32, may, where the fine is not less than five hundred rupees and such application is made within thirty days of the date of such order, call for and examine the record of such appeal and, after giving the parties an opportunity of being heard, revise the order passed in such appeal.

(*7*) All decisions of the Chief Judge or the District Judge or a person appointed under sub-section (*2*), as the case may be, shall, subject to the provisions of sub-section (*6*), be final.

Penalty for recovering rent in excess of the standard rent.

31. (*1*) Whoever knowingly— [*Cf.* Ben. Act III of 1920, s. 19.]

(*a*) receives whether directly or indirectly any sum on account of the rent of any premises in excess of the standard rent, or

(*b*) receives whether directly or indirectly or invites, offers or asks for, any premium, *salami*, fine or any other like sum in addition to the standard rent except as provided in section 7, or

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(Chapter VI—Appeal, review, jurisdiction and penalty.—Clauses 32—34.)

(*c*) receives whether directly or indirectly any sum as rent in advance in excess of one month's rent without the written consent of the Controller,

shall on the complaint of the party aggrieved or of the Provincial Government be liable—

(*i*) in the case referred to in clause (*a*), on the first occasion to a fine which may extend to five times the amount recovered in excess of the standard rent and on a second or subsequent occasion in regard to the same or any other premises to a fine which may extend to ten times the amount of such excess;

(*ii*) in the case referred to in clause (*b*), on the first occasion to a fine which may extend to two thousand rupees and on a second or subsequent occasion in regard to the same or any other premises to a fine which may extend to five thousand rupees; and

(*iii*) in the case referred to in clause (*c*), on the first occasion to a fine which may extend to twice the amount received in excess of one month's rent and on a second or subsequent occasion in regard to the same or any other premises to a fine which may extend to four times the amount so received,

to be imposed in each case after inquiry by the Controller.

(*2*) A person shall be deemed to receive a sum in excess of the standard rent, if he receives any consideration representing a money value in excess of such standard rent as part of such standard rent.

Criminal liability and refund of the consideration paid in addition to the standard rent.

32. (*1*) Whoever knowingly accepts or obtains or attempts to accept or obtain, whether directly or indirectly, any sum or valuable thing or any pecuniary advantage on account of any premium, *salami* or fine in addition to the standard rent, except as provided in section 7, shall also, on conviction in a Criminal Court, be liable to be punished with imprisonment for a term which may extend to two years or with fine or with both and without prejudice to any other method of recovery, the Court may order the amount paid or the value of the consideration given to be repaid to the person by whom the payment was made or the consideration given.

(*2*) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under sub-section (*1*) shall be cognizable and non-bailable *[Act of 1898]*. Act V of 1898.

Penalty for disturbance of easements, etc.

33. Whoever, in any case in which an order or decree for the recovery of possession of any premises is prohibited under section 14, *[or in the case of any premises in respect of the recovery of possession of which the provisions of sections 18, 19 and 20 apply,]* without the previous written consent of the Controller, or save for the purpose of effecting repairs or complying with any municipal requisition, wilfully disturbs any easement annexed to such premises, or removes, destroys, or renders unserviceable, anything provided for permanent use therewith, or discontinues any supply or service comprised in the tenancy of such premises, shall, on the complaint of the party aggrieved, be liable, on the first occasion, to a fine which may extend to five hundred rupees, and on a second or subsequent occasion, in regard to the same or any other premises, to a fine which may extend to one thousand rupees, to be imposed, after inquiry, by the Controller. [*Cf.* Ben. Act III of 1920, s. 20]

Payment and recovery of fine.

34. The fine imposed under section 31 or section 33 shall be paid by the person fined in the prescribed manner within thirty days from the date of the order of the Controller imposing the fine or within such further period as the Controller may allow for such payment for special reasons to be recorded by him in writing and in default of such payment the fine shall be *[levied by the Controller by the distraint and sale of a sufficient portion of the movable property of the person fined in accordance with rules made under this Act]* recoverable as a public demand under the Bengal Public Demands Recovery Act, 1913. Ben. Act III of

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(Chapter VI—Appeal, review, jurisdiction and penalty.—Chapter VII—Miscellaneous.—Clauses 35—38.)

Limitation for complaints.

35. No complaint under section 31 or section 33 shall be brought against any person after the expiration of six months from the date of the commission of the act in respect of which the complaint is brought.

Issue of distress warrants and other processes barred in certain cases.

36. No distress warrant shall be issued under Chapter VIII of the Presidency Small Cause Courts Act, 1882, and no process under the Code of Civil Procedure, 1908, in execution of a decree passed *ex parte* thereunder, shall be issued, either for the attachment of property or for the arrest of any tenant, in connection with the recovery of the rent of any premises situated in any area to which this Act may apply, unless the person applying for execution, when making his application, swears or affirms by affidavit or otherwise that none of the rent, in respect of which execution is applied for, is irrecoverable under this Act.

[*Cf.* Ben. Act III of 1920, s. 13 and the Calcutta House Rent Control Order, 1943, para. 8A.] XV of 1882. Act V of 1908.

CHAPTER VII.

MISCELLANEOUS.

Making of repairs and taking of measures for the maintenance of essential services by the tenant on the failure or neglect of the landlord to do so.

37. (*1*) The Controller shall, on application made to him in this behalf by any tenant in possession of any premises, cause a notice to be served in the prescribed manner on the landlord thereof requiring him to make any repairs which such landlord is bound to make to the premises or to take any measures for the due maintenance of any essential supply or service, such as, the maintenance of the supply of water or electricity, the maintenance of drainage service and the maintenance of any lift, which such landlord is bound to maintain in the premises under the conditions of the tenancy or according to local usage.

[*Cf.* The Calcutta House Rent Control Order, 1943, para. 11A.]

(*2*) If after the service of such notice the landlord fails to show proper cause or neglects to make within reasonable time such repairs or to take within reasonable time such measures, as the case may be, the tenant may submit to the Controller an estimate of the cost of such repairs or measures, and may apply to him for permission to make such repairs or to take such measures himself and, thereupon, the Controller may, after giving the landlord an opportunity of being heard and after considering such estimate of cost and making such enquiries as he may consider necessary, by an order in writing, permit the tenant to make such repairs or to take such measures, as the case may be, at a cost not exceeding such amount as may be specified in the order and it shall thereafter be lawful for the tenant to make such repairs or to take such measures himself and to deduct the cost thereof, which shall in no case exceed the amount so specified, from the rent or otherwise recover it from the landlord /.]:

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

Taking of measures by the tenant in case of emergency.

38. Notwithstanding anything contained in section 37, if the necessity for making any repairs or for taking any measures referred to in that section, is so urgent that any delay involved in the procedure referred to therein is likely to subject the tenant to personal loss, damage or serious inconvenience, the tenant may himself cause the notice referred to in section 37 to be served in the prescribed manner on the landlord requiring him to make such repairs or to take such measures within seventy-two hours of the service of such notice and shall in every such case submit, at the same time, a copy of such notice to the Controller together with an estimate of the cost of such repairs or measures to enable the Controller to make such enquiries as he may consider necessary about the necessity of such repairs or measures and the correctness of the estimate so submitted, and if, after the service of such notice, the landlord fails to make such repairs or to take such measures within the time mentioned in the notice, the tenant may himself make such repairs or take such measures, as the case may be, and, after completion of such repairs or measures, submit to the Controller a statement of the costs thereof

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(Chapter VII—Miscellaneous.—Clauses 39—41.)

and thereafter the Controller, after considering such statement and making such further enquiries as he may consider necessary, may by an order in writing determine the amount of the costs which the tenant is entitled to recover from the landlord, and the tenant may thereupon deduct the amount so determined from the rent or otherwise recover it from the landlord [.]:

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

Supply of certified copies of the order of the Controller.

39. Any person affected by any order of the Controller made under this Act, shall be entitled to be furnished with a copy thereof, duly certified by the Controller to be a correct copy, on payment of such fees as may be prescribed, and such copy shall be admissible in evidence in any Court of Law to prove the order of the Controller. [*Cf.* Ben. Act III of 1920, s. 15(6).]

Repeal and saving.

40. (*1*) The Bengal Ordinances Temporary Enactment Act, 1947, in so far as it enacts and continues in operation the provisions of the Calcutta Rent Ordinance, 1946, is hereby repealed. Ben. Act I of 1947. Ben. Ord. V of 1946.

(*2*) Any rules, orders and appointments made or any appointment deemed to have been made or anything done or any action taken or any proceedings commenced or deemed to have been commenced under any of the provisions of the said Ordinance shall continue in force in so far as they are consistent with this Act and shall be deemed to have been made, done, taken or commenced under the corresponding provision of this Act.

Power to make rules.

41. (*1*) The Provincial Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act. [*Cf.* Ben. Act III of 1920, s. 23.]

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the form of permits referred to in sub-section (*1*) of section 8 and the fee referred to in sub-section (*2*) of that section;

(*aa*) the manner of executing an order under section 17;

(*b*) the manner of depositing rent under sub-section (*1*) of section 24;

(*c*) the method of withdrawal of the deposit of rent by the landlord under sub-section (*5*) of section 24;

(*d*) the procedure for summoning and enforcing the attendance of witnesses and compelling the production of documents referred to in sub-section (*2*) of section 29;

(*e*) the procedure to be followed in inquiries under this Act, by the Controller, the Chief Judge of the Court of Small Causes of Calcutta, the District Judge and any person appointed under sub-section (*2*) of section 30;

(*f*) the procedure for review of orders referred to in sub-section (*5*) of section 30;

(*g*) the manner of payment of the fine referred to in section 34 *[and the method of distraint and sale of movable property under that section];*

(*h*) the manner of service of notices issued under this Act;

(*i*) the charging or remitting of costs and fees and the fixing of a scale of costs and fees.

(*3*) All rules made under this Act shall, as soon as may be after their promulgation, be laid before the West Bengal Legislative Assembly.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(The Schedule.)

THE SCHEDULE.

[*See* section 2(7).]

PART A.

Provisions for determining the standard rent of premises in Calcutta.

1. In this part of this Schedule "basic rent" in relation to any premises means—

(*a*) where the rent of any premises has been fixed by the Controller under the Calcutta Rent Ordinance, 1946, the rent so fixed,

(*b*) where the rent of any premises has not been fixed under the Calcutta Rent Ordinance, 1946, the rent at which the premises were let on the 1st day of October, 1946, Ben. Ord. V of 1946.

(*c*) where the premises were not let on the 1st day of October, 1946, and the rent also has not been fixed by the Controller under the Calcutta Rent Ordinance, 1946, the rent which would, in the opinion of the Controller, have been fixed under that Ordinance.

2. Where the premises are used for residential or mainly for residential purposes, the standard rent shall be the basic rent increased by—

(*a*) 6¼ per cent. if the basic rent per mensem is not more than Rs. 50,

(*b*) 12½ per cent. if the basic rent per mensem is more than Rs. 50 but not more than Rs. 150,

(*c*) 18¾ per cent. if the basic rent per mensem is more than Rs. 150 but not more than Rs. 300,

(*d*) 20 per cent. if the basic rent per mensem is more than Rs. 300.

3. Where the premises are used other than for residential or mainly residential purposes, the standard rent shall be the basic rent increased by—

(*a*) 12½ per cent. if the basic rent per mensem is not more than Rs. 75,

(*b*) 25 per cent. if the basic rent per mensem is more than Rs. 75 but not more than Rs. 150,

(*c*) 37½ per cent. if the basic rent per mensem is more than Rs. 150 but not more than Rs. 300,

(*d*) 40 per cent. if the basic rent per mensem is more than Rs. 300.

4. Where any premises have been sub-let, the standard rent shall be the rent determined according to paragraph 2 or 3, as the case may be, omitting the excess, if any, beyond 6¼ per cent. over the standard rent or a proportionate part thereof payable by the tenant who sub-lets the premises according as the premises are sub-let in whole or in part.

PART B.

Provisions for determining the standard rent of premises in areas other than Calcutta.

1. In this part of this Schedule "basic rent" in relation to any premises means—

(*a*) where the rent of any premises has been fixed by the Controller under the Calcutta Rent Ordinance, 1946, the rent so fixed,

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(The Schedule.)

(*b*) where the rent of any premises has not been fixed under the Calcutta Rent Ordinance, 1946, the rent at which the premises were let on the 1st day of October, 1946, Ben. Ord. V of 1946

(*c*) where the premises were not let on the 1st day of October, 1946, and the rent also has not been fixed by the Controller under the Calcutta Rent Ordinance, 1946, the rent which would, in the opinion of the Controller, have been fixed under that Ordinance.

2. Where the premises are used for residential or mainly for residential purposes, the standard rent shall be the basic rent increased by—

(*a*) 10 per cent. if the basic rent per mensem is not more than Rs. 25,

(*b*) 20 per cent. if the basic rent per mensem is more than Rs. 25 but not more than Rs. 75,

(*c*) 25 per cent. if the basic rent per mensem is more than Rs. 75.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, [1947] 1948.

(The Schedule.)

3. Where the premises are used other than for residential or mainly residential purposes, the standard rent shall be the basic rent increased by—

(*a*) 20 per cent. if the basic rent per mensem is not more than Rs. 15,

(*b*) 40 per cent. if the basic rent per mensem is more than Rs. 15 but not more than Rs. 30,

(*c*) 50 per cent. if the basic rent per mensem is more than Rs. 30.

4. Where any premises have been sub-let, the standard rent shall be the rent determined according to paragraph 2 or 3, as the case may be, omitting the excess, if any, beyond 6¼ per cent. over the standard rent or a proportionate part thereof payable by the tenant who sub-lets the premises according as the premises are sub-let in whole or in part.

A. R. MUKHERJEA,

Secy. to the West Bengal Legis. Assembly.

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MONDAY, MARCH 1, 1948.

OF THE BENGAL LEGISLATURE CALCUTTA.

ART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 3721. 28th February, 1948. The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL EXPIRING LAWS BILL, 1948.

A

BILL

to provide for the further continuance in operation of the provisions of certain Bengal Ordinances as enacted and continued in operation by and under the Bengal Ordinances Temporary Enactment Act, 1947.

WHEREAS the provisions of the Ordinances specified in the Schedule as enacted and continued in operation by and under the Bengal Ordinances Temporary Enactment Act, 1947 (hereinafter referred to as the said provisions) are temporary in their duration; Ben. Act I of 1947.

AND WHEREAS it is expedient to provide for the continuance, as in this Act mentioned, of the said provisions for a further period;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the West Bengal Expiring Laws Act, 1948.

(*2*) It shall come into force on the date on which the said provisions cease to operate under the provisions of the Bengal Ordinances Temporary Enactment Act, 1947.

Continuance of the provisions of certain Ordinances.

2. (*1*) The said provisions shall be deemed to be enacted by this Act and shall have effect and shall continue to operate as such until the 31st day of March, 1949.

(*2*) Any rules, orders, notifications or directions issued or anything done or any action taken or any proceedings commenced under any of the said provisions and in force immediately before the commencement of this Act shall continue in force and shall be deemed to have been issued, done, taken, or commenced, as the case may be, under the corresponding provision as deemed to be enacted and continued in operation by this Act as if this Act were already in force on the date on which such rules, orders, notifications or directions were issued or thing was done or action was taken or proceedings were commenced.

The West Bengal Expiring Laws Bill, 1948.

(Clause 3 and the Schedule.)

Effect of expiration of the provisions continued by this Act.

3. On the expiration of the period during which the said provisions continue in operation under this Act, such expiration shall not affect—

(*a*) any penalty or punishment incurred or alleged to have been incurred under the said provisions during their continuance in operation, or

(*b*) any investigation, legal proceeding or remedy in respect of any such penalty or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed as if the said provisions had not ceased to operate.

THE SCHEDULE.

(*See* section 2.)

Ordinances promulgated by the Governor of Bengal under section 88 of the Government of India Act, 1935.

Year.	Number.	Short title.
1946	III	... The Bengal Molasses Control Ordinance, 1946.
1946	V	... The Calcutta Rent Ordinance, 1946.
1946	XI	... The Bengal Jute Mills (Temporary Provision) Ordinance, 1946.

STATEMENT OF OBJECTS AND REASONS.

The Bengal Ordinances Temporary Enactment Act, 1947 (Bengal Act I of 1947), enacted and continued in operation the provisions *inter alia* of

(1) The Bengal Molasses Control Ordinance, 1946 (Bengal Ordinance III of 1946),

(2) The Calcutta Rent Ordinance, 1946 (Bengal Ordinance V of 1946),

(3) The Bengal Jute Mills (Temporary Provision) Ordinance, 1946 (Bengal Ordinance XI of 1946),

for a period of six months from the date of expiration of the said Ordinances under section 88 of the Government of India Act, 1935. By notification issued under the proviso to section 2 of the said Bengal Act, the said provisions were again continued in operation for a further period of six months expiring on the 16th March, 1948, which is the latest date up to which extension of the period of operation of the said provisions is permissible by such notification. Since the issue of the said notification, however, the situation in the Province has not materially altered so as to permit the expiry of the said provisions. The present Bill has, therefore, been drafted for the purpose of continuing the operation of the said provisions up to the 31st March, 1949, by which date it is expected to be able to have separate legislations passed *in extenso* on the respective subjects, if necessary.

NIHARENDU DUTT-MAJUMDAR,
Member-in-Charge.

CALCUTTA,
The 28th February, 1948.

By order of the Governor,

B. K. GUHA,
Secy. to the Govt. of West Bengal.

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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

383L.—1st March, 1948.—The Governor ng been pleased to order, under rule 47 of the ' Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL HINDU SOCIAL DISABILITIES REMOVAL BILL, 1948.

A

BILL

to provide for the removal of certain social disabilities suffered by some sections of Hindus.

WHEREAS it is expedient to foster a spirit of unity and harmony amongst all classes of people and, to that end, provide for the removal of certain social disabilities suffered by some sections of Hindus;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the West Bengal Hindu Social Disabilities Removal Bill, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "Hindu" includes a Buddhist, Sikh, Jain, a follower of Arya or Brahma Samaj or a convert to Hinduism or any other person habitually professing himself to be a Hindu;

(*b*) "Local authority" means a local authority as defined in clause (*23*) of section 3 of the Bengal General Clauses Act, 1899, other than a cantonment authority or the Commissioners for the Port of Calcutta; Ben. Act I of 1899

(*c*) "place of public amusement" means any place, enclosure, building, tent, booth or other erection, whether permanent or temporary, where music, singing, dancing or any diversion or game, or the means of carrying on the same, is provided and to which the public are admitted either on payment of money or with the intention that money may be collected from those admitted and includes a fair, *mela*, race-course, circus, cinema, theatre, music hall, billiard-room, bagatelle-room, gymnasium or fencing school, and a stadium, stand or gallery from where any game or show is watched;

(*d*) "place of public entertainment" means any place, whether enclosed or open to which the public are admitted, and where any kind of food or drink is

supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place, and includes a refreshment room, eating house, coffee house, tea shop, boarding house, lodging house and hotel;

(*e*) "shop" means any premises where goods are sold either by retail or wholesale or both and includes a laundry, a hair cutting saloon or such other place where services are rendered to customers;

(*f*) "temple" means a place, by whatever name known, which is dedicated to, or for the benefit of, or used as of right by, the Hindu community in general as a place of public religious worship, and includes subsidiary shrines and mantapams attached to such place; and

(*g*) "worship" means such religious service as the bulk of worshippers at a temple may offer.

Equality of right of all castes and class of Hindus.

3. Notwithstanding anything contained in any instrument or any law, custom or usage to the contrary, no Hindu shall merely on the ground that he belongs to a particular caste or class—

(*a*) be ineligible for office under any authority constituted under any law, or

(*b*) be prevented from—

(*i*) having access to or offering worship at any temple;

(*ii*) having access to or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing place, burial or cremation ground, any sanitary convenience, any road or pathway which the members of other castes or classes of Hindus generally have a right to use or have access to, or

(*iii*) having access to or using any public conveyance licensed by the Provincial Government or any local authority to ply for hire; or

(*iv*) having access to or using any building or place used for charitable or public purposes maintained wholly or partially out of the revenues of the Province or the funds of a local authority; or

(*v*) having access to a place of public amusement or a place of public entertainment; or

(*vi*) having access to a shop to which the members of other castes and classes of Hindus generally are ordinarily admitted; or

(*vii*) having access to or using any place set apart or maintained for the use of Hindus generally; or

(*viii*) enjoying any benefit under a charitable trust created for the benefit of Hindus generally.

Discrimination on ground of caste or class prohibited.

4. No person in charge of any of the places referred to in sub-clauses (*i*), (*iv*), (*v*), (*vi*) and (*vii*) or any conveyance referred to in sub-clause (*iii*) of clause (*b*) of section 3 shall impose any restriction on any Hindu or act in a manner as to result in discrimination against him merely on the ground that he belongs to a particular caste or class.

Courts not to recognise any custom or usage imposing disability on a Hindu on ground of caste or class.

5. Except in matters governed by Hindu Law, no court shall in adjudicating any matter or executing any order recognise any custom or usage imposing any social disability on any Hindu merely on the ground that he belongs to a particular caste or class.

Local authorities not to recognise any custom or usage imposing disability on ground of caste or class.

6. No local authority shall in carrying out the functions and duties entrusted to it under any law recognise any custom or usage imposing any social disability on any Hindu merely on the ground that he belongs to a particular caste or class.

The West Bengal Hindu Social Disabilities Removal Bill, 1948.

(Clauses 7—10.)

No Hindu to be denied admission to any educational institution on ground of caste or class.

7. No Hindu shall be denied admission to any school, college or other educational institution, meant for the public merely on the ground that he belongs to a particular caste or class.

Penalties.

8. (*1*) Whoever—

(*a*) prevents any Hindu by reason of his belonging to a particular caste or class from having access to or using any of the places referred to in sub-clauses (*i*), (*ii*), (*iv*), (*v*), (*vi*) and (*vii*) or any conveyance referred to in sub-clause (*iii*) of clause (*b*) of section 3 or from enjoying any benefit under a charitable trust referred to in sub-clause (*viii*) of clause (*b*) of the said section or abets the prevention thereof; or

(*b*) contravenes the provisions of section 4 or section 7 or abets the contravention thereof,

shall on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to rupees two hundred or with both and if he is the owner or occupier of any place of public amusement or of any place of public entertainment, or of any shop in regard to which the offence is committed, shall, in addition, be liable to have his license or permit, if any, in respect of such place of public amusement or such place of public entertainment or such shop cancelled.

(*2*) An offence under sub-section (*1*) shall be deemed to be an offence included under Part A of Schedule IV of the Bengal Village Self-Government Act, 1919, and shall be tried in accordance with the provisions of that Act. Ben. Act V of 1919.

Offences under Act cognizable.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Act shall be cognizable by the police. Act V of 1898.

Power to make rules.

10. The Provincial Government may make rules for the purpose of carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS.

In the December-January session of the West Bengal Legislative Assembly a resolution moved by Shri Nishapati Majhi for the removal of untouchability was passed. The present Bill has been drafted in pursuance of that resolution in order to remove certain social disabilities from which some section of Hindus are at present suffering, so that a spirit of unity and harmony may be fostered among all sections of the people of this Province.

NIHARENDU DUTT-MAJUMDAR,
Member-in-Charge.

CALCUTTA;
The 27th February, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

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RT I—Orders and Notifications by the Governor of st Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

/EST BENGAL LEGISLATIVE ASSEMBLY.

NOTIFICATION.

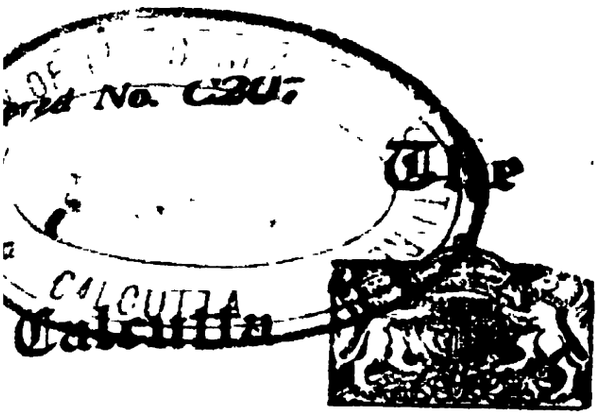
Constituent Assembly of India.

No. 505L.A.—3rd March, 1948.—In pursuance sub-rule (8) of rule 5 of the Constituent sembly Rules, I hereby declare that (Sir) Abdul lm Ghuznavi of 18, Canal Street, post office lally, Calcutta 14, has been duly elected as a resentative of the Muslim Part of the West ngal Legislative Assembly to the Constituent embly of India in the vacancy caused by the ation of one additional Muslim seat from the vince of West Bengal as now constituted as per olution, dated the 27th January, 1948, adopted the Constituent Assembly of India.

By order of the Speaker,

A. R. MUKHERJEA,
Returning Officer and Secy. to the West Bengal Legislative Assembly.

and published by the Superintendent, Govt. Ptg., West Bengal lest Bengal Govt. Press, Alipore, on the 4th March 1948.



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FRIDAY, MARCH 5, 1948

[I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Political.

NOTIFICATION.

. 1313P. —5th March 1948.—Their Excellencies Governor General of the Dominion of India he Countess Mountbatten of Burma will arrive at Dum Dum at 1 p.m. (I.S.T.) on the 8th 1948. The arrival will be private. On ing from the aircraft Their Excellencies will ceived at the Aerodrome by His Excellency Governor of West Bengal. His Excellency overnor will then present the Hon'ble Premier est Bengal to Their Excellencies.

The Hon'ble Premier will then present the ble Ministers of West Bengal and the following lemen to His Excellency the Governor General the Secretary to His Excellency the Governor present them to Her Excellency the Countess ıbatten :—

he Commander, West Bengal and Assam Area,

he Chief Secretary to the Government of West Bengal,

he Commissioner of Presidency Division,

The Inspector-General of Police, West Bengal
The Commissioner of Police, Calcutta,
The Mayor of Calcutta,
The Sheriff of Calcutta,
The District Magistrate, 24-Parganas,
and others, if any, as the Hon'ble Premier may desire.

3. A Guard of Honour provided by a Contingent of the West Bengal Armed Police will be drawn up at the Aerodrome.

4. After inspecting the Guard of Honour Their Excellencies will drive to Government House, Calcutta, accompanied by His Excellency the Governor of West Bengal.

5. A Guard of Honour provided by the Calcutta Mounted Police will be drawn up on both sides of the road from the Northern Gate to the Grand Staircase of Government House and will give a Royal Salute as the car of Their Excellencies drives in. Their Excellencies and His Excellency the Governor will then alight from the car. His Excellency the Governor General will proceed to inspect the Guard of Honour provided by the Q.V.O. Gurkha Rifles accompanied by the Guard Commander, while Her Excellency accompanied by His Excellency the Governor will proceed to the foot of the Grand Staircase where they will await the return of His Excellency the Governor General.

6. After inspection of the Guard of Honour His Excellency the Governor General will proceed to the foot of the Grand Staircase where he will be received by His Excellency the Governor who will conduct Their Excellencies up the Grand Staircase to the top, where Srimati Namagiri will receive them. His Excellency will then present his personal staff to Their Excellencies. Their Excellencies will then retire to their apartments.

By order of the Governor,
S. SEN,
Chief Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Govt. Ptg., West Bengal
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FRIDAY, MARCH 5, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

No. 279A.R.—5th March 1948.—The following notifications are published for general information:—

Notification.

GOVERNMENT HOUSE,
CALCUTTA,
The 4th March 1948.

His Excellency the Governor has been pleased to appoint Shri Kiran Sankar Roy to be a member of his Council of Ministers.

The Hon'ble Shri Kiran Sankar Roy has this day in the afternoon taken the oaths of office accordingly.

BY COMMAND,
S. N. RAY,
Secy. to the Governor of West Bengal.

Notification.

GOVERNMENT HOUSE,
CALCUTTA,
The 4th March 1948.

His Excellency the Governor has been pleased to make the following modifications in the appointments of Hon'ble Ministers to be in charge of Departments:—

(1) The Hon'ble Dr. Bidhan Chandra Roy to be Minister in charge of the Home Department excluding the Police and the Transport Branches and of the Department of Health and Local Self-Government excluding the Jails Branch.

(3) The Hon'ble Shri Kiran Sankar Roy to be Minister in charge of the Police and the Transport Branches of the Home Department and of the Jails Branch of the Department of Health and Local Self-Government.

BY COMMAND,
S. N. RAY,
Secy. to the Governor of West Bengal.

By order of the Governor,
M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal.

Political.

NOTIFICATION.

No. 1314P.—5th March 1948.—Whereas in exercise of the powers conferred by sub-section (1) of section 16 of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), the Governor has, by notification No. 689P., dated the 4th February 1948, declared the Rashtriya Swayam Sewak Sangh to be an unlawful association;

And whereas the places specified and described in the schedule hereto annexed are used for purposes of the said unlawful association;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17A of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), the Governor is hereby pleased to notify the said places as places which are used for the purposes of an unlawful association.

SCHEDULE.

Particulars of Places.

Calcutta.

(1) The entire top floor, *i.e.*, 2nd floor consisting of 5 rooms and terrace of 2C, Cornwallis Street.

(2) Room No. 51 on the 2nd floor, Banger Buildings at 161/1, Harrison Road, the boundaries of the room being—

North—Boundary wall of the room concerned.

West—Room No. 50 occupied by Sri J. K. Isoria at present.

South—Verandah and common passage.

East—Room No. 52 Godown of Krishna Bihari Tea Co.

(3) A room on the ground floor of premises No. 16, Puddapukur Road, the boundaries of the room being—

North—Verandah used as the passage to the stairs to the 1st and 2nd floors.

West—Room at present occupied by Sri S. M. Dhall, Preventive Officer, Calcutta Customs, formerly of Karachi Customs.

South—A room used as the homeopathic dispensary of the Arja Samaj.

East—Open courtyard of the prayer hall of the Arja Samaj.

24-Parganas.

A room, measuring 12′ 4″ × 12′ 2″, in the north-east corner of the 1st floor of premises No. 100, Sir S. N. Banerjee Road, police-station Barrackpore, and having two doors and two windows one of each of which is on the north and the other on the south and also having two verandahs, one to the north and the other to the south. The boundaries of the premises are—

West—Sir S. N. Banerjee Road.

North—Siddheswaritala Road.

East—Another house of the same owner, viz., Srimati Basumati Dassi, wife of Sree Bhusan Chandra Sadhukhan.

South—A common passage and the lime depot of the said house owner.

Howrah.

No. 5, Binode Bihari Halder Lane, police-station Sibpore, Howrah, containing 4 rooms including a kitchen and store room with a pucca boundary wall. The place belongs to Nibaran Ch. Chatterji of Jaberi, police-station Memari, district Burdwan (now under care of Sushil Kr. Mukharji, 14, Ananta Deb Mukharji Lane, Sibpore). The boundaries of the house are—

North—Tank of Gnanendra Nath Chatarji, Ashutosh Santra and Nibaran Ch. Chattarji (jointly).

East—Pucca house and land of Atul Ch. Mandal of No. 3, Binode Behari Halder Lane.

South—Binode Bihari Halder Lane and tank of Satish Ch. Nandi.

West—Pucca houses of Amala Debi and Keshab Chandra Chatarji of Nos. 6 and 8, Binode Bihari Halder Lane, respectively.

Hooghly.

Office of the Rashtriya Swayam Sewak Sangh located in one of the rooms in the house of Phani Bhusan Chatarji, son of late Kumar Krishna Chaudhuripara, Chatra, police-station Serampor The boundaries of the house are—

North—Houses of Binay Kumar Chatarji.

South—House of Subodh Banarji.

East—House of Krishna Lal Chatarji.

West—House of Gokul Chandra Mukharji.

Burdwan.

The rented house of Sri Durgapada Mukharji Birhata, Burdwan Town, located at Pratapeswa Shibtala, on plot No. 6610 of mauza Radhanaga Burdwan Municipality. The boundaries of th house are—

North—The rented house of Durgapa Mukharji of Pratapeswar, Shibtal Burdwan, occupied by Bankim Chand Ghosal and one-storied pucca building Durgapada Mukharji occupied by Parth Sarathi Ray and Balaidas Mukharji.

East—Ali Tank of De Brothers including San Chandra De.

West—The thatched house of Durgapad Mukharji and occupied by Gouridasi an Ram Ranjan Mukharji and by two rente houses of Ashutosh Nandi, one occupie by Bhairab Nag and the other by Bagal Prasad Mukharji.

Malda.

First floor of holding No. 55 (Ward No. 11 at Sadar Road (Haluipatti), English Bazar, Malda The boundaries of the holding are—

North—House of Manilal Karmakar (holdin No. 57, Ward No. 11A).

West—House of Halal Khari Mahaldar (holdin No. 6, Ward No. 11A).

South—A Shoe Shop (Praji Kutir, holdin No. 55, Ward No. 11A).

East—Sadar Road (Haluipatti Road).

By order of the Governor,

S. SEN,

Chief Secy. to the Govt. of West Bengal

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Extraordinary

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SATURDAY, MARCH 6, 1948

THE BENGAL LEGISLATURE CALCUTTA.

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDERS.

No. 2921D.C.S.—5th March 1948.—In exercise of the power conferred by sub-section (*1*) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clause (*c*) of sub-section (2) of that section and with sub-paragraph (1) of paragraph 3 of the Bengal Food Grains (Disposal and Acquisition) Order, 1947, and in supersession of notification No. 21963D.C.S., dated 23rd December 1947, the Governor is pleased to specify for the districts mentioned in column 1 of the Schedule below the rates of prices mentioned in the corresponding entries in columns 2, 3, 4, 5, 6 and 7 thereof to be the rates of prices which shall not be exceeded in paying prices to a person who is called upon under the said paragraph to sell any stock of food grains of the classes mentioned respectively in the headings to the said columns 2, 3, 4, 5, 6 and 7 in respect of which such rates of prices have been so specified.

The Schedule.

Districts.	Paddy.			Rice.		
	Aus.	Aman other than very fine.	Very fine Aman.	Aus.	Aman other than very fine.	Very fine Aman.
1	2	3	4	5	6	7
	Rs. a.	Rs. a.	Rs.	Rs. a.	Rs. a.	Rs.
West Dinajpur ..	6 8	7 2	9 to 10 (according to quality).	11 4	14 10 (for milled rice). 12 3 (other rice).	15 to 16-8 (according to quality).
Malda ..	6 8	7 4	9 to 10 (according to quality).	11 4	12 6	15 to 18 (according to quality).
Murshidabad, Nadia, 24-Parganas, Bankura, Birbhum, Burdwan, Midnapore.	6 8	7 8	9 to 10 (according to quality).	11 4	12 12	15 to 18 (according to quality).
Jalpaiguri ..	6 8	8 4 (up to 31-3-48). 7 4 (from 1-4-48).	--	11 4	14 12 (up to 31-3-48). 13 4 (from 1-4-48).	

This order shall come into force as from 11th February 1948.

By order of the Governor,

E. G. CREEK,

Dy. Secy. to the Govt. of West Bengal.

No. 2956D.C.S.—5th March 1948.—In exercise of the powers conferred by sub-section (*1*) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clauses (*d*) and (*j*) of sub-section (*2*) of that section, and with the notification No. 73/1-TA/46 of the Government of India in the Department of Industry and Supply, the Governor is pleased to direct that following amendments shall be made in the West Bengal Cotton Cloth and Yarn Control Order, 1947, namely:—

For Schedule I to the said Order, *substitute* the following schedule, namely:—

"Schedule I.

(*See* paragraph 5.)

Group "A"—Rs. 300.

(*Manufacturers of power-driven plant.*)

1. Manufacturer of yarn by power-driven spinning plant.

2. Manufacturer by power using yarn as an accessory but not manufacturing yarn.

3. Processors of yarn by power.

Group "B"—Rs. 120.

(*Quota-holders, permit-holders and other dealers importing directly or indirectly from mills or acting on behalf of mills.*)

1. Quota-holders (yarn).
2. Importers (yarn).
3. Mill Selling Agents (yarn).

Group "C"—Rs. 60.

1. Wholesale dealers (yarn) including hosiery yarn.
2. Commission Agents of yarn.

Group "D"—Rs. 24.

Retail dealers.

1. Retail dealers (yarn).

Group "E"—Rs. 2.

1. Hawkers of yarn.

Group "F"—Re. 1 per loom.

1. Weavers using yarn for handlooms.

Group "G"—Rs. 24.

1. Brokers of yarn".

By order of the Governor
A. D. KHAN,
Secy. to the Govt. of West Bengal

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পশ্চিম বঙ্গীয় সরকার।

বিচার ও ব্যবস্থা (ব্যবস্থা) বিভাগ।

বিজ্ঞপ্তি।

১৯৪৮ সালের ৬ই মার্চ্চ, নং ৪২৭ এল্।

দ্বারা সর্ব্বসাধারণের অবগতির জন্য পশ্চিম বঙ্গ ব্যবস্থা পরিষদে উপস্থাপনের জন্য প্রণীত নিম্নলিখিত আইনের পাণ্ডুলিপি এবং তাহার উদ্দেশ্য ও হেতুর বিবরণ প্রচারিত হইল।

বি, কে, গুহ,
পশ্চিম বঙ্গীয় সরকারের কর্ম্মসচিব।

পশ্চিম বঙ্গ হিন্দুদের সামাজিক অযোগ্যতা দূরীকরণার্থ ১৯৪৮ খৃষ্টাব্দের আইনের পাণ্ডুলিপি।

হিন্দুদের কোন কোন অংশের কতকগুলি সামাজিক অযোগ্যতা দূর করিবার নিমিত্ত আইনের পাণ্ডুলিপি।

যেহেতু সর্ব্বশ্রেণীর লোকের মধ্যে একতা ও মিলনের ভাব বর্দ্ধন এবং তদুদ্দেশ্যে হিন্দুদের কোন কোন অংশের কতকগুলি সামাজিক অযোগ্যতা দূর করিবার ব্যবস্থা করা বিহিত;

অতএব এতদ্দ্বারা নিম্নলিখিতমত বিধান করা গেল:—

সংক্ষিপ্ত নাম, ব্যাপ্তি ও আরম্ভ।

১। (১) এই আইনটিকে পশ্চিম বঙ্গ হিন্দুদের সামাজিক অযোগ্যতা দূরীকরণার্থ ১৯৪৮ খৃষ্টাব্দের আইন বলা যাইবে।

(২) ইহা সমগ্র পশ্চিম বঙ্গে প্রচলিত হইবে।

(৩) ইহা অবিলম্বে বলবৎ হইবে।

অর্থনির্দ্দেশ।

২। এই আইনে বিষয় বা পূর্ব্বাপর কথায় বিরুদ্ধ ভাবের কিছু না থাকিলে,—

(ক) "হিন্দু" বলিতে বৌদ্ধ, শিখ, জৈন, আর্য্য বা ব্রাহ্ম সমাজের লোক অথবা হিন্দুধর্ম্মে ধর্ম্মান্তরিত ব্যক্তি অথবা নিজেকে সচরাচর হিন্দু বলিয়া পরিচয় দিয়া থাকেন এমন যে কোন ব্যক্তিকেও বুঝাইবে;

(খ) "স্থানীয় কর্ত্তৃপক্ষ" বলিতে সেনানিবাসের (ক্যাণ্টনমেণ্টের) কর্ত্তৃপক্ষ অথবা কলিকাতার বন্দরপালগণ (পোর্ট কমিশনার্স) ছাড়া অপর যে স্থানীয় কর্ত্তৃপক্ষের কথা বাংলার সাধারণ প্রকরণ বিষয়ক ১৮৯৯ খৃষ্টাব্দের (বেঙ্গল জেনারাল ক্লুজেস্ এ্যাক্ট) আইনের ৩ ধারার (২৩) প্রকরণে বর্ণিত হইয়াছে সেই স্থানীয় কর্ত্তৃপক্ষকে বুঝাইবে; ১৮৯৯ খৃষ্টাব্দের বঙ্গীয় ১ আইন।

পশ্চিম বঙ্গ হিন্দুদের সামাজিক অযোগ্যতা দূরীকরণার্থ ১৯৪৮ খৃষ্টাব্দের আইনের পাণ্ডুলিপি।

(; ধারা ৩।)

(গ) "সর্ব্বসাধারণের আমোদপ্রমোদের স্থান" বলিতে যে স্থায়ী বা অস্থায়ী স্থান, ঘেরা জায়গা, গৃহ, তাঁবু, চালাঘর কিংবা অন্য কোন রকমের তৈরী জায়গায় বাদ্যাদি, সঙ্গীত, গান, নাচ কিংবা কোন প্রকারের আমোদপ্রমোদ কিংবা খেলাধূলা কিংবা এই সব করিবার ব্যবস্থা আছে এবং যেখানে টাকা পয়সা লইয়া সর্ব্বসাধারণকে ঢুকিতে দেওয়া হয় অথবা যাঁহাদিগকে ঢুকিতে দেওয়া হয় তাঁহাদের নিকট হইতে টাকা পয়সা আদায় করা যাইবে এই উদ্দেশ্যে ঢুকিতে দেওয়া হয়, তাহার সমস্তই বুঝাইবে এবং মেলক (ফেয়ার), মেলা, ঘোড়দৌড়ের স্থান, সার্কাস, সিনেমা, রঙ্গালয় (থিয়েটার), সঙ্গীত-গৃহ (মিউজিক হল), বিলিয়ার্ড খেলার ঘর, ব্যাগাটেল খেলার ঘর, ব্যায়ামের স্থান বা অসিখেলা শিক্ষালয় এবং যে স্থান (ষ্টেডিয়াম, ষ্ট্যাণ্ড বা গ্যালারি) হইতে কোন খেলাধূলা বা প্রদর্শনী দেখিতে পারা যায় তাহাও বুঝাইবে;

(ঘ) "সর্ব্বসাধারণের খাওয়াদাওয়ার স্থান" বলিতে যে ঘেরা বা খোলা স্থানে সর্ব্বসাধারণকে ঢুকিতে দেওয়া হয় ও ঐরূপ স্থানের মালিকের বা ঐরূপ স্থানে কোন স্বার্থ আছে কিংবা ঐরূপ স্থানের কার্য্যনির্ব্বাহক কোন ব্যক্তির লাভ বা আয়ের উদ্দেশ্যে কোন রকমের খাদ্যদ্রব্য বা পানীয় যোগান হয় সেই স্থান বুঝাইবে এবং জলখাবারের ঘর (রিফ্রেস্‌মেণ্ট রুম), ভোজনালয়, কফিঘর, চায়ের দোকান, দৈনিক আহারের স্থান (বোর্ডিং হাউস), থাকিবার স্থান (লজিং হাউস্) এবং হোটেলও বুঝাইবে;

(ঙ) "দোকান" বলিতে যে গৃহাদিতে খুচরা বা পাইকারী দরে অথবা উভয় প্রকারেই জিনিষপত্র বিক্রয় করা হয় সেই গৃহাদি বুঝাইবে এবং ধোবিখানা (লণ্ড্রি), চুলকাটার ঘর বা ঐ প্রকারের অন্য যে স্থানে গ্রাহকদের জন্য কাজ করা হয় সেই স্থানও বুঝাইবে;

(চ) "মন্দির" বলিতে যে স্থান, উহা যে নামেই পরিচিত হউক না কেন, হিন্দু সাধারণের ধর্ম্ম বিষয়ক পূজাচর্চ্চনার জন্য উৎসর্গ করা হইয়াছে বা ঐরূপ পূজাচর্চ্চনার সুবিধার জন্য নির্দ্দিষ্ট হইয়াছে অথবা হিন্দু সম্প্রদায়ের লোকেরা ঐরূপ পূজাচর্চ্চনার জন্য আপন অধিকার বলে ব্যবহার করিয়া থাকেন সেই স্থান বুঝাইবে, এবং ঐরূপ স্থানের সংলগ্ন গৌণ দেবায়তন এবং মণ্ডপও বুঝাইবে;

(ছ) "পূজাচর্চ্চনা" বলিতে পূজাচর্চ্চকদের অধিকাংশই যে ধর্ম্ম বিষয়ক ক্রিয়াকলাপের অনুষ্ঠান করেন তাহাই বুঝাইবে।

হিন্দু সম্প্রদায়ের সকল বর্ণ ও শ্রেণীর সমানাধিকার।

৩। কোন দলিলপত্রে বা আইনে, প্রথায় বা আচারে বিরুদ্ধ ভাবের যাহাই থাকুক না কেন, কোন হিন্দু কোন বিশেষ বর্ণ বা শ্রেণীভুক্ত বলিয়াই—

(ক) কোন আইনমতে গঠিত কোন কর্ত্তৃপক্ষের অধীনে চাকরী করার অযোগ্য হইবেন না, অথবা

(খ) নিম্নলিখিত কোন বিষয়ে কোন বাধা পাইবেন না:—

(৵০) কোন মন্দিরে প্রবেশ করা অথবা পূজাচর্চ্চনা করা; অথবা

(৶০) যে নদী, স্রোতস্বিনী, ঝরণা, কুয়া, পুকুর, চৌবাচ্চা, জলের কল কিংবা জল লইবার অন্য কোন স্থান অথবা স্নানের স্থানে, শবের সমাধি বা দাহের স্থানে, স্বাস্থ্য-রক্ষার পক্ষে সুবিধাজনক জিনিষে যে রাস্তা বা পথে প্রবেশ করিবার বা তাহা ব্যবহার করিবার অধিকার অপর বর্ণের বা শ্রেণীর হিন্দুদের সাধারণতঃ থাকে তাহাতে প্রবেশ করা বা তাহা ব্যবহার করা; অথবা

(৷৵০) প্রাদেশিক সরকার কিংবা কোন স্থানীয় কর্ত্তৃপক্ষের নিকট হইতে ভাড়া খাটার জন্য লাইসেন্সপ্রাপ্ত সাধারণের ব্যবহার্য্য কোন যান ইত্যাদিতে প্রবেশ করা বা তাহা ব্যবহার করা; অথবা

(।০) সম্পূর্ণ বা আংশিকভাবে প্রাদেশিক রাজস্ব বা কোন স্থানীয় কর্ত্তৃপক্ষের তহবিলের সাহায্যে চলে এমন যে গৃহ বা স্থান দাতব্য উদ্দেশ্যে বা সর্ব্বসাধারণের উদ্দেশ্য সাধনের জন্য ব্যবহৃত হয় তাহাতে প্রবেশ করা বা তাহা ব্যবহার করা; অথবা

পশ্চিম বঙ্গ হিন্দুদের সামাজিক অযোগ্যতা দূরীকরণার্থ ১৯৪৮ খৃষ্টাব্দের আইনের পাণ্ডুলিপি।

(ধারা ৪– ১০।)

(।/০) সর্ব্বসাধারণের আমোদপ্রমোদের বা খাওয়াদাওয়ার স্থানে প্রবেশ করা ; অথবা

(।৵০) যে দোকানে হিন্দু সম্প্রদায়ের অন্য বর্ণ বা শ্রেণীর লোকদিগকে সাধারণতঃ প্রবেশ করিতে দেওয়া হয় সেই দোকানে প্রবেশ করা ; অথবা

(।৶০) হিন্দু সাধারণের ব্যবহারের জন্য পৃথককৃত বা রক্ষিত কোন স্থানে প্রবেশ করা বা তাহা ব্যবহার করা, অথবা

(।।০) হিন্দু সাধারণের উপকারের জন্য দাতব্য উদ্দেশ্যে সৃষ্ট কোন ন্যাস হইতে কোন উপকার ভোগ করা।

বর্ণ বা শ্রেণীর দরুণ বৈষম্য নিষিদ্ধ।

৪। ৩ ধারার (খ) প্রকরণের (/০), (৵০), (।০), (।/০), (।৵০) ও (।৶০) উপপ্রকরণে উল্লিখিত কোন স্থানের অথবা উক্ত ধারার উক্ত প্রকরণের (৶০) উপপ্রকরণে উল্লিখিত কোন যান ইত্যাদির ভারপ্রাপ্ত কোন ব্যক্তি কোন হিন্দু সম্পর্কে কোন বাধার সৃষ্টি করিবেন না অথবা এমনভাবে কোন কাজ করিবেন না যাহাতে কোন হিন্দুর বিরুদ্ধে তিনি কেবল কোন বিশেষ বর্ণ বা শ্রেণীভুক্ত এই কারণে বৈষম্য করা হয়।

যে প্রথা বা আচার বলে কোন হিন্দুকে তাঁহার বর্ণ বা শ্রেণীর দরুণ অযোগ্যতার অধীন করা হয় তাহা আদালত মানিবেন না।

৫। হিন্দু আইনের অধীন বিষয় ছাড়া অন্য কোন বিষয় বিচারকালে অথবা কোন আদেশ পালনকালে, কোন আদালত যে প্রথা বা আচারবলে কোন হিন্দুকে, তিনি কেবল কোন বিশেষ বর্ণ বা শ্রেণীভুক্ত এই কারণে কোন সামাজিক অযোগ্যতার অধীন করা হয় তাহা মানিবেন না।

যে প্রথা বা আচার যাহা বর্ণ বা শ্রেণীর দরুণ অযোগ্যতার অধীন করা হয় তাহা স্থানীয় কর্ত্তৃপক্ষগণ মানিবেন না।

৬। কোন স্থানীয় কর্ত্তৃপক্ষ, তাহাদের উপর কোন আইনমতে ন্যস্ত কার্য্য ও কর্ত্তব্য সম্পাদনকালে, যে প্রথা বা আচারবলে কোন হিন্দুকে তিনি কেবল কোন বিশেষ বর্ণ বা শ্রেণীভুক্ত এই কারণে কোন সামাজিক অযোগ্যতার অধীন করা হয় তাহা মানিবেন না।

বর্ণ বা শ্রেণীর দরুণ কোন হিন্দুকে কোন শিক্ষা প্রতিষ্ঠানে ভর্ত্তি করিতে অস্বীকার করা যাইবে না।

৭। কেবল কোন বিশেষ বর্ণ বা শ্রেণীভুক্ত বলিয়াই কোন হিন্দুকে কোন স্কুলে, কলেজে বা অপর কোন শিক্ষা প্রতিষ্ঠানে ভর্ত্তি করিতে অস্বীকার করা যাইবে না।

দণ্ড।

৮। (১) কেহ—

(ক) কোন হিন্দু কেবল কোন বিশেষ বর্ণ বা শ্রেণীভুক্ত বলিয়াই তাঁহাকে ৩ ধারার (খ) প্রকরণের (/০), (৵০), (।০), (।/০), (।৵০) ও (।৶০) উপপ্রকরণে উল্লিখিত কোন স্থানে কিংবা উক্ত ধারার উক্ত প্রকরণের (৶০) উপপ্রকরণে উল্লিখিত কোন যান ইত্যাদিতে প্রবেশ করিতে বাধা দিলে অথবা উক্ত ধারার (খ) প্রকরণের (।।০) উপপ্রকরণে উল্লিখিত দাতব্য উদ্দেশ্যে সৃষ্ট কোন ন্যাস অনুসারে কোন উপকার ভোগ করিতে বাধা দিলে অথবা ঐরূপ বাধা দিতে প্ররোচিত করিলে ; অথবা

(খ) ৪ কিংবা ৭ ধারার বিধান লঙ্ঘন করিলে অথবা লঙ্ঘন করিতে প্ররোচিত করিলে—

তিনি যদি বিচারে দোষী সাব্যস্ত হন তবে তাঁহার তিন মাস পর্য্যন্ত কারাদণ্ড অথবা দুইশত টাকা পর্য্যন্ত অর্থদণ্ড অথবা উভয় দণ্ডই হইতে পারিবে এবং তিনি, সর্ব্বসাধারণের আমোদপ্রমোদের অথবা খাওয়া-দাওয়ার যে স্থান অথবা যে দোকান সম্পর্কে ঐ অপরাধ করা হয়, তাহার মালিক বা দখলকার হইলে, উক্তরূপ দণ্ড ছাড়াও, তাঁহার ঐরূপ স্থান বা দোকান সম্পর্কে যে লাইসেন্স বা ছাড়পত্র (পারমিট) থাকে তাহাও বাতিল করা হইবে।

(২) (১) উপধারামতে কোন অপরাধ বঙ্গদেশের গ্রাম্য স্বায়ত্ত-শাসন বিষয়ক ১৯১৯ খৃষ্টাব্দের আইনের ৪নং তপশীলের "ক" ভাগের অন্তর্গত অপরাধ বলিয়া গণ্য হইবে এবং ঐ আইনের বিধানমত উহার বিচার করা হইবে।

১৯১৯ সালের বঙ্গীয় ৫ আইন।

এই আইনমতে অপরাধ ধর্ত্তব্য অপরাধ।

৯। ফৌজদারী মোকর্দ্দমার কার্য্যপ্রণালী বিষয়ক ১৮৯৮ খৃষ্টাব্দের আইনে যাহাই থাকুক না কেন, এই আইনমতে দণ্ডনীয় অপরাধ পুলিশের ধর্ত্তব্য অপরাধ হইবে।

১৮৯৮ সালের ৫ আইন।

নিয়মাবলী প্রণয়নের ক্ষমতা।

১০। প্রাদেশিক সরকার এই আইনের বিধান কার্য্যে পরিণত করিবার উদ্দেশ্যে নিয়মাবলী প্রণয়ন করিতে পারিবেন।

উদ্দেশ্য ও হেতুর বিবরণ।

পশ্চিম বঙ্গের ব্যবস্থা পরিষদের ডিসেম্বর-জানুয়ারী মাসের অধিবেশনে শ্রীনিশাপতি মাঝি মহাশয় অস্পৃশ্যতা দূর করিবার জন্য একটি প্রস্তাব আনয়ন করেন ও উহা গৃহীত হয়। ঐ প্রস্তাবটি কার্য্যে পরিণত করিবার জন্য এই আইনের পাণ্ডুলিপিটি রচনা করা হইয়াছে। যাহাতে হিন্দুদের অংশবিশেষের বর্ত্তমান কতকগুলি সামাজিক অযোগ্যতা দূরীভূত হয় এবং এই প্রদেশের সর্ব্ববিধ লোকের মধ্যে ঐক্য ও মিলনের ভাব বর্দ্ধিত হয় তাহাই ইহার উদ্দেশ্য।

নীহারেন্দু দত্ত-মজুমদার,
ভারপ্রাপ্ত সদস্য।

কলিকাতা;
২৭-২-১৯৪৮ সাল।

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 8th March 1948.

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Published by Authority

TUESDAY, MARCH 9, 1948

PART I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATIONS.

No. 3014D.C.S.—8th March 1948.—In exercise of the powers conferred by clause (*a*) of paragraph 3 of the West Bengal Cotton Cloth and Yarn (Amendments Control Order, 1947, the Governor is pleased to exclude handloom cloth, hosiery goods and readymade garments of cloth from the operation of sub-paragraph (2) of paragraph 4 of the said Order.

No. 3015D C.S.—8th March 1948.—In exercise of the powers conferred by clause (*a*) of paragraph 3 of the West Bengal Cotton Cloth and Yarn

Movements Control Order, 1947, the Governor pleased to exclude hosiery goods from the operation of sub-paragraph (*l*) of paragraph 4 of the said Order.

By order of the Governor,
A. D. KHAN,
Secy. to the Govt. of West Bengal

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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 447L. 8th March, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL RACE-COURSES LICENSING BILL, 1948.

A

BILL

to provide for the licensing of race-courses in West Bengal.

WHEREAS it is expedient to make provision for the licensing of race-courses in West Bengal;

It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the West Bengal Race-Courses Licensing Act, 1948.

(*2*) It extends to the whole of West Bengal.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(*a*) "horse" includes a pony;

(*b*) "horse-race" means any race in a race-course in which any horse runs or is made to run in competition with any other horse, for any prize of what nature or kind soever or for any bet or wager made or to be made in respect of any such horse, or the rider thereof, and at which more than twenty persons are present;

(*c*) "racing-club" includes a club, association, society or body of persons corporate or incorporate—

(*i*) formed for the purpose of promoting horse-race or for holding race-meetings; or

(*ii*) conducting or controlling such meetings; and

(*d*) "race-course" means any ground on which a horse-race can be held.

Prohibition against horse-racing on unlicensed race-course.

3. (*1*) No horse-race shall be held save on a race-course for which a license for horse-racing granted under section 4 to a racing-club is in force.

(*2*) The terms of such license shall be published in the *Official Gazette*.

License for horse-racing.

4. (*1*) Any racing-club may apply to the Provincial Government for a license for horse-racing on a race-course.

(*2*) The Provincial Government may withhold such license or grant it subject to such conditions and for such period as it may think fit. Such conditions may provide for—

(*a*) the payment of a license fee,

(*b*) the measures to be taken for the training of persons to become jockeys, and

The West Bengal Race-Courses Licensing Bill, 1948.

(Clauses 5—9.)

(c) such other matters connected with horse-race for which in the opinion of the Provincial Government it is necessary or expedient in the public interests to make provision in the license.

(3) The Provincial Government may at any time cancel any license granted under this section in the event of any breach of the conditions subject to which it was granted.

Penalty for racing club allowing racing in unlicensed place.

5. If any horse-race is held on any race-course for which no license has been granted under section 4 or for which a license granted under that section is not in force, the racing-club holding such horse-race shall be punishable with fine which may extend to one thousand rupees.

Penalty for taking part in horse race on unlicensed race-course.

6. Whoever takes part in a horse-race on any race-course for which no license has been granted under section 4 or for which a license granted under that section is not in force shall be punishable with fine which may extend to two hundred rupees.

Penalty for contravening conditions of license

7. If any racing-club to whom a license has been granted under section 4 contravenes any of the conditions subject to which such license was granted, such racing-club shall be punishable with fine which may extend to one thousand rupees.

Cognizance of offences under this Act.

8. No Court inferior to that of a Presidency Magistrate or of a Magistrate of the First Class shall try an offence under this Act.

Exemption

9. The Provincial Government may from time to time by general or special order published in the *Official Gazette* exempt any horse-race from the operation of this Act

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to enable Government to make provision for the licensing of race-courses in this Province. It is proposed that for granting a license, Government may levy a license fee and impose conditions relating to the training of jockeys and such other matters connected with horse-races as may be considered necessary or expedient in the public interests. The Bill is intended to come into effect from the 1st April, 1948.

N. R. SARKER,
Minister-in-charge.

CALCUTTA:
The 8th March, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 9th, March 1948.

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GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION.

No. 3021D.C.S.—9th March 1948.—The following notification No. 101/14-TEX.1/47, dated the 4th March 1948, of the Government of India, Ministry of Industry and Supply, is republished in the *Calcutta Gazette* for general information.

L. DIAS,
Asst. Secy to the Govt. of West Bengal.

GOVERNMENT OF INDIA.

Ministry of Industry and Supply.

NOTIFICATION.

New Delhi, the 4th March 1948.

No. 101/14-TEX.1/47.—In exercise of the powers conferred by section 12 of the Bengal Textiles Association Ordinance, 1945 (No. XXXII of 1945), the Central Government is pleased to direct that the Bengal Textiles Association shall continue in being for a period of three months from the date of publication of this notification and shall thereafter be wound up.

N. O'H. O'NEILL,
Dy. Secy. to the Govt. of India.

ed and published by the Superintendent, Govt. Ptg., West Bengal : West Bengal Govt. Press, Alipore, on the 9th March 1948

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The

Calcutta Gazette

Extraordinary

Published by Authority

FRIDAY, MARCH 12, 1948.

OF THE BENGAL LEGISLATURE CALCUTTA.

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 481L.—12th March, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL FACTORIES AND MINES (CONTROL OF DISMANTLING) BILL, 1948.

A BILL

to provide for the control of dismantling of factories and mines.

WHEREAS it is expedient to provide for the control of dismantling of factories and mines;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the West Bengal Factories and Mines (Control of Dismantling) Act, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "to dismantle" a factory or a mine means to remove from its position the machinery or part of the machinery of the factory or the mine, where by such removal, the factory or the mine is rendered wholly or partly useless for its purpose; but does not include any temporary removal of the machinery or part of the machinery for purposes such as adjustment, cleaning and repairs;

(*b*) "factory" means a factory as defined in clause (*l*) of section 2 of the Factories Act, 1934, but includes also any premises which were at any time whether before or after the commencement of this Act a factory as so defined; Act XXV of 1934.

(*c*) "machinery" has the meaning assigned to that word in clause (*k*) of section 2 of the Factories Act, 1934; and Act XXV of 1934.

(*d*) "mine" has the meaning assigned to that word in clause (*f*) of section 3 of the Indian Mines Act, 1923. Act IV of 1923.

Dismantling a factory or a mine.

3. (*1*) No person shall, without the written permission of the Provincial Government or of an officer authorised in this behalf by the Provincial Government, dismantle any factory or mine or remove from a factory or a mine any spare parts kept for maintaining the machinery of the factory or the mine in order.

(*2*) Any person who contravenes any of the provisions of sub-section (*1*) shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

The West Bengal Factories and Mines (Control of Dismantling) Bill, 1948.

(Clauses 4—8.)

Offences by corporations or firms.

4. Where a company or other corporate body, or a firm contravenes any of the provisions of sub-section (*1*) of section 3, every director of such company or corporate body, every partner of such firm and every manager or secretary or other officer or agent of such company or corporate body or firm, shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Powers of entry, examination, taking evidence, etc.

5. (*1*) Subject to any rules made by the Provincial Government, any officer authorised in this behalf by that Government, may, if he has reason to believe that any person has contravened any of the provisions of sub-section (*1*) of section 3 within the local limits for which he is so authorised,—

(*a*) enter with such assistants (if any), being persons in the service of the Crown as he thinks fit, any place;

(*b*) make such examination of the place and of any machinery, books or documents therein and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act; and

(*c*) exercise such other powers as may be necessary for carrying out the purposes of this Act:

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself;

(*2*) Any person who wilfully obstructs an officer authorised under sub-section (*1*) in the exercise of any power conferred by that sub-section, or fails to produce on demand any book or document in his custody or to comply with any demand for information, or knowingly or recklessly makes to such officer a statement false in a material particular shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

Cognizance of offences.

6. No prosecution for any offence under this Act shall be instituted except by or with the previous sanction of the Provincial Government or the officer authorised by the Provincial Government for the purposes of sub-section (*1*) of section 3.

Bar of legal proceedings.

7. No suit, prosecution, or other legal proceeding shall lie against any person for anything which is in good faith done, or intended to be done, under this Act.

Power to make rules.

8. (*1*) The Provincial Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power such rules may provide—

(*a*) for the procedure for the grant of the permission referred to in sub-section (*1*) of section 3;

(*b*) for an appeal against a refusal to grant the permission referred to in sub-section (*1*) of section 3 when such refusal is by an officer authorised in pursuance of that section; and

(*c*) for regulating the manner in which officers authorised under sub-section (*1*) of section 5 shall exercise their powers.

STATEMENT OF OBJECTS AND REASONS.

Towards the close of the year, 1947, it was brought to the notice of the Government of West Bengal that certain factory owners were contemplating to dismantle their factories and to remove the plants and machinery to places outside the Province. As such dismantling and removal of plants and machinery in factories, if allowed to take place, will result in dislocation and disruption of the economic life of the area in which the factories are located and will bring about large scale unemployment, the present Bill is being introduced with a view to prevent any such move on the part of the factory owners in West Bengal.

CALCUTTA:
The 9th March, 1948.

K. P. MUKHERJEE,
Member-in-charge.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 12th March 1948

stered No. C207

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SATURDAY, MARCH 13, 1948.

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

No. 334A.R.—13th March 1948.—The following ification by the Secretary to the Governor of st Bengal is hereby published for general ormation:—

"Notification No. 1196S., dated the 10th March 8.—In His Majesty's name, His Excellency the vernor-General has assented to the West Bengal urity Bill, 1948.

S. N. RAY,

Secretary to the Governor."

By order of the Governor,

M. A. T. IYENGAR,

Joint Secy. to the Govt. of West Bengal.

Political.

NOTIFICATIONS.

No. 1436P.—12th March 1948.—In exercise of the power conferred by sub-section (*1*) of section 92 of the Government of India Act, 1935, the Governor is pleased to direct that the West Bengal Security Act, 1948 (West Bengal Act III of 1948), shall apply to the district of Darjeeling.

No. 1437P.—12th March 1948.—In exercise of the power conferred by sub-section (*3*) of section 1 of the West Bengal Security Act, 1948 (West Bengal Act III of 1948), the Governor is pleased to direct that all the provisions of the aforesaid Act shall, on and from the date of publication of this notification in the *Calcutta Gazette*, come into force in the whole of the Province of West Bengal.

By order of the Governor,

R. GUPTA,

Secy. to the Govt. of West Bengal.

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

NOTIFICATION.

No. L.S.G./1M-17/48.—12th March 1948.—It is hereby notified under section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), that the following gentlemen have been duly elected as Commissioners of the Garden Reach Municipality in the district of the 24-Parganas at the general election held on the 6th March 1948:—

Ward No. I.

Maulvi Rahmatulla Khan *alias* Munshijee.
Sri Makhon Lal Ghose.

Ward No. II.

Maulvi Abdul Rashid.
Maulvi Syed Mahmood Ali.

Ward No. III.

Maulvi Meher Ali Molla.
Sk. Ahmed Hossain.

Ward No. IV.

Alhaj Nurul Huque Mali.
Maulvi Mahabbat Khan.

Ward No. V.

Maulvi S. M. Abdullah.
Sri Sudhakar Pal.

By order of the Governo
S. K. GUPTA,
Secy. to the Govt. of West Beng

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 13th March 1948.

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OF THE BENGAL
CALCUTTA.

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

). 477L.—12th March, 1948.—The following Act of the West Bengal Legislature, having assented to in His Majesty's name by the Governor General, is hereby published for general mation :—

West Bengal Act III of 1948

THE WEST BENGAL SECURITY ACT, 1948.

CONTENTS.

CHAPTER I.
Preliminary.

SECTION.

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2. Definitions.
3. Effect of the provisions of the Act when inconsistent with other law.
4. Saving.
5. Non-compliance with the provisions of this Act or any orders made thereunder.

CHAPTER II.
Prevention of Subversive Acts.

6. Sabotage.
7. Prohibition of subversive acts, publications and communications.
8. Proscription, etc., of certain documents.
9. Power to impose censorship.

CHAPTER III.
Public Safety and Order.

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11. Definition of looting.
12. Use of force to stop looting.
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14. Amendment of sections 127 and 128 of the Code of Criminal Procedure, 1898.
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17. Duration of orders made under section 16.
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29. General power of arrest without warrant.
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33. Saving as to orders.
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35. Delegation of powers and duties of the Provincial Government.
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West Bengal Act III of 1948

THE WEST BENGAL SECURITY ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor-General was first published in the *Calcutta Gazette, Extraordinary*, of the 13th March, 1948.]

An Act to make special provision for the maintenance of public order by the prevention of illegal acquisition, possession or use of arms, the suppression of subversive movements endangering communal harmony or the safety or stability of the Province, the suppression of goondas and for maintaining supplies and services essential to the life of the community.

WHEREAS it is expedient to make special provision for the maintenance of public order by the prevention of illegal acquisition, possession or use of arms, the suppression of subversive movements endangering communal harmony or the safety or stability of the province, the suppression of goondas and for maintaining supplies and services essential to the life of the community;

It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title, extent, commencement and duration.

1. (*1*) This Act may be called the West Bengal Security Act, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) The Provincial Government may, by notification, direct that all or any of the provisions of this Act shall come into force in the whole or in any part of the province of West Bengal on such date as may be specified in the notification and may, by like notification, direct that the said provisions or any of them shall cease to be in force in the said province or part, as the case may be, on such date as may be specified in the notification.

(*4*) It shall, in the first instance, remain in force for a period of one year; provided that if a resolution in that behalf is, before the date on which under this sub-section it would otherwise have ceased to operate, passed by the Provincial Legislature, it shall continue in force for a further period of one year from such date.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "essential commodity" means food, water, fuel, light, power or any other thing essential for the existence of the community which is notified in this behalf by the Provincial Government;

(*2*) "goonda" has the same meaning as in the Goondas Act, 1923; Ben. Act I of 1923.

(*3*) "notified" and "notification" mean notified and notification respectively in the *Official Gazette;*

(*4*) "prejudicial report" means any report, statement or visible representation, which, or the publishing of which, is, or is an incitement to the commission of, a subversive act as defined in clause 7;

(*5*) "prescribed" means prescribed by any order made under this Act;

(*6*) "public servant" includes any public servant as defined in the Indian Penal Code and any servant of any local authority or railway administration. Act XLV of 1860.

The West Bengal Security Act, 1948.

(Chapter I.—Preliminary.—Chapter II.—Prevention of Subversive Acts.—Sections 3—6.)

(7) "subversive act" means any act which is intended or is likely—

(a) to endanger—
  (i) communal harmony, or
  (ii) the safety or stability of the Province;
(b) to organise, further or help the illegal acquisition, possession or use of—
  (i) arms, ammunition or military stores as defined in the Indian Arms Act, 1878, XI of 1878.
  (ii) explosive substances (as defined in the Explosive Substances Act, 1908), or VI of 1908.
  (iii) corrosive substances or liquids;
(c) to further the activities of goondas;
(d) to prejudice the recruiting of, or the attendance of persons for service in, any police force or fire brigade or any other body of persons entered, enrolled or engaged as public servants or to tamper with the loyalty of such persons;
(e) to impede, delay or restrict any work or any means of transport or locomotion necessary for the supply or distribution of any essential commodity except in furtherance of an industrial dispute as defined in the Industrial Disputes Act, 1947. XIV of 1947.

Explanation.—Acts *bona fide* indicating disapprobation of the policy or measures of the Government with a view to obtain their alteration by lawful means shall not be deemed to be acts which are intended or are likely to endanger the safety or stability of the province.

Effect of the provisions of the Act when inconsistent with other law.

3. The provisions of this Act and of any orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

Saving.

4. No prohibition, restriction or disability imposed by or under this Act, unless otherwise expressly provided by an order issued by the Provincial Government or by an officer specially authorised by the Provincial Government in this behalf, shall apply to anything done by, or under the direction of, any public servant acting in the course of his duty as such public servant.

Non-compliance with the provisions of this Act or any orders made thereunder.

5. If any person to whom any provision of this Act relates or to whom any order made in pursuance of any such provision is addressed or relates or who is in occupation, possession or control of any land, building, vehicle, vessel or other thing to which such provision relates, or in respect of which such order is made—

(a) fails without lawful authority or excuse, himself, or in respect of any land, building, vehicle, vessel or other thing of which he is in occupation, possession or control, to comply with such provision or order, or
(b) evades, or attempts to evade, by any means such provision, or order,

he shall be deemed to have contravened such provision or order.

CHAPTER II.

Prevention of Subversive Acts.

Sabotage.

6. (1) No person shall do any act with intent to impair the efficiency or impede the working of, or to cause damage to,—

(a) any building, vehicle, machinery, apparatus or other property used or intended to be used, for the purpose of Government or any local authority;
(b) any railway (as defined in the Indian Railways Act, 1890), aerial ropeway (as defined in the Bengal Aerial Ropeways Act, 1923), tramway, road, canal, bridge, culvert, causeway, port, dockyard, lighthouse, aerodrome (as defined in the Indian Aircraft Act, 1934), air-field, air-strip or any installation thereon or any telegraph line or post (as defined in the Indian Telegraph Act, 1885); IX of 1890. Ben. Act VII of 1923. XXII of 1934. XIII of 1885.

(*c*) any rolling-stock of a railway or tramway or any vessel or aircraft;

(*d*) any building or other property used in connection with the production, distribution or supply of any essential commodity, any sewage works, mine or factory;

(*e*) any prohibited place as defined in sub-section (*8*) of section 2 of the Indian Official Secrets Act, 1923. XIX of 1923.

(*2*) The provisions of sub-section (*1*) shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the Provincial Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

(*3*) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to seven years or with fine or with both.

Prohibition of subversive acts, publications and communications.

7. (*1*) No person shall, without lawful authority or excuse,—

(*a*) do any subversive act; or

(*b*) make, print, publish or distribute any document containing, or spread by any other means whatsoever, any prejudicial report.

(*2*) The author, editor, printer and publisher of, and any person who otherwise makes or produces any prejudicial report, and any person who distributes or sells any report of that nature, knowing it to be of such nature, shall be deemed to have contravened this section.

(*3*) If any person contravenes any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both:

Provided that in any proceedings arising out of a contravention of this section,—

(*a*) in relation to the making or printing of any document, it shall be a defence for the accused to prove that the said document was made or printed, as the case may be,—

(*i*) before the Bengal Special Powers Ordinance, 1946, came into force, or Ben. Ord. VI of 1946.

(*ii*) with the permission or under the authority of the Provincial Government, or

(*iii*) as a proof intended for submission to the Provincial Government or to a person or authority designated by the Provincial Government in this behalf with a view to obtaining permission for its publication;

(*b*) in relation to the publication of any document it shall be a defence for the accused to prove that the said document was published—

(*i*) before the Bengal Special Powers Ordinance, 1946, came into force, or

(*ii*) with the permission or under the authority of the Provincial Government.

Proscription, etc., of certain documents.

8. (*1*) Where in the opinion of the Provincial Government any document made, printed or published, whether before or after this Act comes into force, contains any prejudicial report, the Provincial Government may, by order,—

(*a*) require the author, printer, publisher or person in possession of such document not being a newspaper to inform the authority specified in the order of the name and address of any person concerned in the making of such report;

(*b*) provide for the safe keeping by persons in possession of such document and copies thereof;

(*c*) require the delivery of such document and any copy thereof to any authority specified in the order;

(*d*) prohibit the further publication, sale or distribution of such document, of any extract therefrom or of any translation thereof, including, in the case of a newspaper or other periodical, the publication, sale or distribution of any subsequent issue thereof;

(*e*) declare such document and every copy or translation thereof or extract therefrom, to be forfeited to His Majesty.

(*2*) Where in pursuance of sub-section (*1*) any document is required to be delivered to a specified authority, that authority may enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

(*3*) Where in pursuance of sub-section (*1*) any document has been declared to be forfeited to His Majesty, any police-officer may seize any copy thereof, wherever found and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any premises whereon or wherein such document or any copy thereof is or is reasonably suspected to be.

(*4*) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Power to impose censorship.

9. (*1*) The Provincial Government may, for the purpose of preventing or suppressing subversive acts, by order addressed to a printer, publisher or editor, or to printers, publishers and editors generally,—

(*a*) require that all matters, or any matter relating to a particular subject or class of subjects, shall, before being published in any document or class of documents, be submitted for scrutiny to an authority specified in the order;

(*b*) prohibit or regulate the making or publishing of any document or class of documents, or of any matter relating to a particular subject or class of subjects, or the use of any press, as defined in the Indian Press (Emergency Powers) Act, 1931. XXIII of 1931.

(*2*) If any person contravenes any order made under sub-section (*1*), then, without prejudice to any other proceedings which may be taken against such person, the Provincial Government may declare to be forfeited to His Majesty every copy of any document published or made in contravention of such order and any press, as defined in the Indian Press (Emergency Powers) Act, 1931, used in the making of such document.

(*3*) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

Explanation.—In this Chapter "document" includes gramophone records, sound tracks and any other articles on which sounds have been recorded with a view to their subsequent reproduction.

CHAPTER III.

Public Safety and Order.

Punishment for carrying or possessing any corrosive substance or liquid.

10. Any person who carries on his person or knowingly has in his possession or under his control any corrosive substance or liquid, under such circumstances as to give rise to a reasonable suspicion that he does not carry it on his person or have it in his possession or under his control for a lawful object, shall, unless he can show that he was carrying it on his person or that he had it in his possession or under his control for a lawful object, be punishable with imprisonment for a term which may extend to seven years, to which fine may be added.

The West Bengal Security Act, 1948.

(Chapter III.—Public Safety and Order.—Sections 11—16.)

Definition of looting.

11. Whoever commits dacoity, robbery, theft, or theft in a building, vessel or vehicle or criminal misappropriation, if the commission of such offence takes place,

(*a*) during a riot or any disturbance of the public peace at or in the neighbourhood of the riot, or the place at which such disturbance of the public peace occurs, or

(*b*) in any area in which a riot or disturbance of the public peace has occurred and before law and order has been completely restored in such area, or

(*c*) in circumstances such that a person whose property is stolen or criminally misappropriated is not, as a consequence of rioting or any other disturbance of the public peace, present or able to protect such property,

is said to commit the offence of looting.

Use of force to stop looting.

12. Any police-officer may use such force as may be necessary even to the causing of death in order to stop the commission of the offence of looting within his view.

Curfew.

13. (*1*) The Commissioner of Police in Calcutta and the District Magistrate elsewhere may, subject to the control of the Provincial Government, by order direct that, subject to any exemption specified in the order, no person present within any area or areas specified in the order shall, between such hours as may be specified in the order, be out of doors except under the authority of a written permit granted by a specified authority or person.

(*2*) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(*3*) In this section "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866. Ben. Act IV of 1866. Ben. Act II of 1866.

Amendment of sections 127 and 128 of the Code of Criminal Procedure, 1898.

14. During the continuance in operation of this Act, in sections 127 and 128 of the Code of Criminal Procedure, 1898, for the words "or officer in charge of a police-station" the words "or any police-officer of or above the rank of a head constable" shall be deemed to have been substituted. Act V of 1898.

Control of processions, meetings, etc.

15. (*1*) The Provincial Government may, by general or special order, prohibit, restrict or impose conditions upon, the holding of or taking part in processions, meetings or assemblies which, in its opinion, are likely to disturb the communal peace.

(*2*) Any police-officer may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order made under this section.

(*3*) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Power to make orders restricting the movements or actions of or detaining certain persons.

16. (*1*) The Provincial Government, if satisfied on reasonable grounds, with respect to any particular person that with a view to preventing him from doing any subversive act it is necessary so to do, may make an order—

(*a*) directing that he be detained;

(*b*) directing that, except in so far as he may be permitted by the provisions of the order, or by such authority or person as may be specified therein, he shall not be in any such area or place in West Bengal as may be specified in the order;

(*c*) requiring him to reside or remain in such place or within such area in West Bengal as may be specified in the order and if he is not already there to proceed to that place or area within such time as may be specified in the order;

(*d*) requiring him to notify his movements or to report himself or both to notify his movements and report himself in such manner, at such times and to such authority or person as may be specified in the order;

(*e*) imposing upon him such restrictions as may be specified in the order in respect of his employment, business or movements, in respect of his association or communication with other persons, and in respect of his activities in relation to the dissemination of news or propagation of opinions.

(*2*) Where an order is made under sub-section (*1*) directing any person to be detained, the Provincial Government may, if it so thinks fit, grant to such person, in accordance with such rules as it may make in this behalf, such allowance or expenses as it may deem appropriate.

(*3*) If any person is in any area or place in contravention of an order made under the provision of this section, or fails to leave any area or place in accordance with the requirements of such an order then, without prejudice to the provisions of sub-section (*6*), he may be removed from such area or place by any police-officer or by any person acting on behalf of the Provincial Government.

(*4*) So long as such an order as aforesaid in respect of any person directing that he be detained, is in force, he shall be liable to be removed to and detained in such place and under such conditions, which may include conditions as to maintenance, discipline or punishment for offences and breaches of discipline, as the Provincial Government may from time to time by general or special order specify.

(*5*) If the Provincial Government has reason to believe that a person in respect of whom such an order as aforesaid has been made directing that he be detained has absconded or is concealing himself so that the order cannot be executed, it may—

(*a*) make a report in writing of the fact to a Presidency Magistrate or a Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides; and thereupon the provisions of sections 87, 88 and 89 of the Code of Criminal Procedure, 1898, shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate; Act V of 1898.

(*b*) by notified order direct the said person to appear before such officer, at such place, and within such period as may be specified in the order; and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(*6*) If any person contravenes any order made under this section, other than an order of the nature referred to in clause (*b*) of sub-section (*5*), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Duration of orders made under section 16.

17. Save as hereinafter in this section otherwise provided, an order made under section 16 shall be in force for such period not exceeding three months as may be specified in the order or for the period subsequent to the date of issue of such order during which this Act continues in operation, whichever is less, unless earlier cancelled by the authority making the order:

Provided that the Provincial Government may, if and so often as it thinks fit, before the date on which under this section any such order would otherwise have ceased to be in force, place before a Judge of the High Court in Calcutta, the grounds on which the order is made, the representation, if any, made under section 18 by the person affected thereby

and such further materials as the Provincial Government may think fit and the Provincial Government shall, in accordance with the decision of the Judge thereon, issue an order of release or a fresh order of detention for such period not exceeding nine months as may be determined by the Judge:

Provided also that the person affected by the order shall not be entitled to be defended or represented by any lawyer or other person before the Judge:

Provided further that the Provincial Government shall be at liberty to release any such person at any time notwithstanding any provision hereinbefore contained.

Grounds of order of detention to be disclosed to person affected by the order.

18. Where an order is made in respect of any person under clause (*a*) of sub-section (*1*) of section 16, the authority making the order shall, within fifteen days after the order is made, communicate to the person affected thereby the grounds on which the order has been made against him except in so far as the said authority considers that disclosure of any fact would be against the public interest and such other particulars as are in the opinion of such authority sufficient to enable him to make, if he wishes, a representation against the order and such person may at any time thereafter make a representation in writing to such authority against the order and it shall be the duty of such authority to inform such person of his right of making such representation and to afford him the earliest practical opportunity of doing so.

Control of use of loud-speakers, megaphones, etc.

19. (*1*) The Provincial Government may, for the purpose of preventing or suppressing subversive acts, by general or special order, prohibit, restrict, regulate or impose conditions on—

(*i*) the use or operation in any street, square, public place or other open space of any apparatus for amplifying the human voice, or any reproduction of the human voice, such as a megaphone or an electrically operated loudspeaker; and

(*ii*) the use, operation or driving in any street, square, public place or other open space of any vehicle which carries or has attached to it any apparatus referred to in clause (*i*).

(*2*) Any police-officer may take such steps and use such force as may be reasonably necessary for securing compliance with any order made under this section and may seize any apparatus or vehicle in respect of which any contravention of any such order has in the opinion of such officer occurred:

Provided that any vehicle or apparatus seized by a police-officer under this sub-section shall be conveyed without delay before a Magistrate who may give such directions as to its temporary custody as he thinks fit, but if no prosecution is instituted for a contravention of the order in respect of the vehicle or apparatus seized within a period which is in the opinion of the Magistrate reasonable, he shall direct its return to the person from whom it was seized.

(*3*) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both, and any Court trying such contravention may direct that any apparatus or vehicle in respect of which the Court is satisfied that the order has been contravened shall be forfeited to His Majesty.

Unlawful drilling.

20. (*1*) The Provincial Government may, by general or special order, prohibit or restrict in any area any such exercise, movement, evolution or drill of a military nature as may be specified in the order.

(*2*) The Provincial Government may, by general or special order, with a view to securing that no unauthorised exercise, movement, evolution or drill of a military nature is performed at any place, prohibit, restrict or impose conditions on the holding of, or taking part in, any such camp, parade, meeting or assembly, or such class thereof, as may be specified in the order.

(*3*) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

The West Bengal Security Act, 1948.

(Chapter III.—Public Safety and Order.—Chapter IV.—Miscellaneous Provisions.—Sections 21—25.)

Unofficial uniforms, etc.

21. (*1*) If the Provincial Government is satisfied that the wearing in public of any dress or article of apparel resembling any uniform or part of a uniform required to be worn by a member of His Majesty's Forces or of the Forces of the Dominion of India or by a member of any official Police Force or of any force constituted under any law for the time being in force would be likely to prejudice the public safety, or the maintenance of public order, the Provincial Government may, by general or special order, prohibit or restrict the wearing or display in public of any such dress or article of apparel.

(*2*) For the purposes of this section, a dress or an article of apparel shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

(*3*) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Powers to require the assistance of certain persons.

22. (*1*) Any officer of Government authorised in this behalf by general or special order of the Provincial Government may, within such area as may be specified in the order, require any male person in that area to assist in the maintenance or restoration of law and order or in the protection of property for such period and in such manner as the officer may direct.

(*2*) If any person fails to comply with any lawful direction given to him under sub-section (*1*), he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

CHAPTER IV.

Miscellaneous Provisions.

Power to obtain information.

23. (*1*) Without prejudice to any special provisions contained in this Act, the Provincial Government may by order require any person to furnish or produce to any specified authority or person any such information or article in his possession as may be specified in the order, being information, or an article which the Provincial Government considers it necessary or expedient in the interests of the prevention or suppression of subversive acts to obtain or examine:

Provided that—

(*i*) no editor, printer or publisher of a newspaper shall be required to furnish or produce any such information or article in respect of any matter published in such newspaper, and

(*ii*) no person shall be required to furnish or produce any information or article which, under the provisions of the Indian Evidence Act, 1872, he cannot be compelled to furnish or produce. I of 1872.

(*2*) If any person fails to furnish or produce any information or article in compliance with an order made under sub-section (*1*), he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

False statement.

24. If any person when required by or under any of the provisions of this Act to make any statement or furnish any information, makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true, in any material particular, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Requisitioning of property.

25. (*1*) If in the opinion of the Provincial Government it is necessary or expedient so to do for preventing or suppressing subversive acts or for maintaining supplies, and services essential to the life of the community or for rehabilitating persons displaced from their residences or shops due to communal strife, it may by order in writing requisition any property, moveable or immoveable, and may make such further orders as appear to it to be necessary or expedient in connection with the requisitioning:

Provided that no place or premises used for the purpose of religious worship shall be requisitioned under this section.

The West Bengal Security Act, 1948.

(Chapter IV.—Miscellaneous Provisions.—Section 25.)

(*2*) Where the Provincial Government has requisitioned any property under sub-section (*1*), it may use or deal with the property in such manner as may appear to it to be expedient.

(*3*) Whenever in pursuance of sub-section (*1*), the Provincial Government requisitions any moveable property, the owner thereof shall be paid such compensation as the Provincial Government may determine:

Provided that where the owner of such property, being aggrieved by the amount of compensation so determined, makes an application for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as an arbitrator appointed in this behalf by the Provincial Government may determine:

Provided further that, where immediately before the requisition the property was by virtue of a hire purchase agreement in the possession of a person other than the owner, the amount determined by the Provincial Government as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the Provincial Government in this behalf may decide to be just.

(*4*) Where in pursuance of sub-section (*1*) the Provincial Government requisitions any immoveable property, there shall be paid compensation, the amount of which shall be determined in the manner, and in accordance with the principles, hereinafter set out, that is to say,—

(*a*) where the amount of compensation can be fixed by agreement, it shall be paid within three months in accordance with such agreement;

(*b*) where no such agreement can be reached, the Provincial Government shall appoint as arbitrator a District Judge or an Additional District Judge;

(*c*) the Provincial Government may, in any particular case, nominate a person having expert knowledge as to the nature of the property requisitioned, to assist the arbitrator, and where such nomination is made, the person to be compensated may also nominate an assessor for the said purpose;

(*d*) at the commencement of the proceedings before the arbitrator, the Provincial Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation;

(*e*) an appeal shall lie to the High Court against an award of an arbitrator except in cases where the amount of compensation awarded does not exceed five thousand rupees in lump or, in the case of an amount payable periodically, two hundred and fifty rupees *per mensem*;

(*f*) save as provided, in this section and in any rules made thereunder, nothing in any law for the time being in force shall apply to arbitrations under this sub-section.

(*5*) Where any immoveable property requisitioned under sub-section (*1*) is to be released from requisition, the Provincial Government may, after making such enquiry, if any, as it considers necessary, specify by order in writing the person who appears to the Provincial Government to be entitled to the possession of such property.

(*6*) The delivery of possession of the immoveable property requisitioned under sub-section (*1*) to the person specified in an order made under sub-section (*5*) shall be a full discharge of the Provincial Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of such property which any other person may be entitled by due process of law to enforce against the person to whom possession of such property is so delivered.

The West Bengal Security Act, 1948.

(Chapter IV.—Miscellaneous Provisions.—Section 26.)

(7) Where the person to whom possession of any immoveable property requisitioned under sub-section (1) is to be given cannot be found or is not readily ascertainable or has no agent or other person empowered to accept delivery on his behalf, the Provincial Government shall cause a notice declaring that such property is released from requisition to be affixed on some conspicuous part of such property and publish the notice in the *Official Gazette*.

(8) When a notice referred to in sub-section (7) is published in the *Official Gazette*, the immoveable property specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof; and the Provincial Government shall not be liable for any compensation or other claim in respect of such property for any period after the said date.

(9) Where any immoveable property requisitioned under sub-section (1) is released from requisition, compensation shall also be paid in respect of any damage done during the period of requisition to such property other than what may have been sustained by normal wear and tear or by natural causes. When the amount of such compensation can be fixed by agreement, it shall be paid in accordance with such agreement; where no such agreement can be reached, the matter shall be referred to an arbitrator and thereupon the provisions of sub-section (4) shall, as far as may be, apply.

(10) The Provincial Government may, with a view to requisitioning any property under sub-section (1) or determining the compensation payable under sub-section (3), by order—

(a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be so specified;

(b) direct that the owner, occupier or person in possession of the property shall not without the permission of the Provincial Government dispose of it or where the property is a building, structurally alter it or where the property is moveable, remove it from the premises in which it is kept till the expiry of such reasonable period as may be specified in the order.

(11) Without prejudice to any powers otherwise conferred by this Act, any person authorised in this behalf by the Provincial Government may enter any premises between sunrise and sunset and inspect such premises and any property therein or thereon for the purpose of determining whether, and, if so, in what manner, an order under this section should be made in relation to such premises or property, or with a view to securing compliance with any order made under this section.

(12) If any person contravenes any order made under this section he shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both.

Publication and service of notices.

26. (1) Save as otherwise expressly provided in this Act, every authority, officer or person who makes any order in writing in pursuance of any provision thereof shall publish or serve or cause to be served notice of such order in such manner as may be prescribed by rules made by the Provincial Government.

(2) Where this Act empowers an authority, officer or person to take action by notified order, the provisions of sub-section (1) shall not apply in relation to such order.

(3) If in the course of any judicial proceedings, a question arises whether a person was duly informed of an order made in pursuance of any provision of this Act, compliance with sub-section (1), or in a case to which sub-section (2) applies, the notification of the order, shall be conclusive proof that he was so informed, but a failure to comply with sub-section (1)—

(i) shall not preclude proof by other means that he had information of the order; and

(ii) shall not affect the validity of the order.

(*4*) Any police-officer, and any other person authorised by the Provincial Government in this behalf may, for any purpose connected with the prevention or suppression of subversive acts or with maintaining supplies and services essential to the life of the community or for carrying out the provisions of this Act affix any notice to, or cause any notice to be displayed on, any premises, vehicle or vessel, and may for the purpose of exercising the power conferred by this section enter any premises, vehicle or vessel at any time.

(*5*) Any person authorised by the Provincial Government in this behalf may, for any purpose mentioned in sub-section (*4*), by order direct the owner or other person in possession or control of any premises, vehicle or vessel to display any notice on, or in, the premises, vehicle or vessel in such manner as may be specified in the order.

CHAPTER V.

Supplementary and Procedural.

Attempts, etc., to contravene the provisions of the Act.

27. Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, any of the provisions of this Act or of any order made thereunder, shall be deemed to have contravened that provision or, as the case may be, that order.

Special provision for searches.

28. (*1*) In any area in which the Provincial Government, as a consequence of apprehended danger to the public in such area, notifies in the *Official Gazette* in this behalf, any police-officer may in any road, street, alley, public place, or open space, stop and search any person in such area for the purpose of ascertaining whether such person is carrying, in contravention of any law for the time being in force, any explosive or corrosive substance or liquid or any weapon of offence or any article which may be used as a weapon of offence and may seize any such substance or liquid together with its container, if any, or any such weapon or article discovered during such search:

Provided that every such search shall be made with due regard to decency and that no woman shall be searched except by a woman.

(*2*) Anything seized under sub-section (*1*) shall be conveyed without delay before a Magistrate who may give such directions as to its temporary custody as he may think fit, so however that, where no prosecution in respect of the possession of such thing is instituted within a period in his opinion reasonable, the Magistrate may, subject to the provisions of any other law for the time being in force, give such orders as to the final disposal of such thing as he deems expedient.

General power of arrest without warrant.

29. Any police-officer may arrest without warrant any person who is reasonably suspected of having committed, or of committing a contravention of any order made under section 13.

Powers of arrest and detention.

30. (*1*) Any police-officer not below the rank of Sub-Inspector, or any other officer of Government empowered in this behalf by general or special order of the Provincial Government, may arrest without warrant any person whom he reasonably suspects of having done, of doing, or of being about to do any subversive act.

(*2*) Any officer who makes an arrest in pursuance of sub-section (*1*) shall forthwith report the fact of such arrest to the Provincial Government, and, pending the receipt of the orders of the Provincial Government, may, by order in writing, commit any person so arrested to such custody as the Provincial Government may, by general or special order, specify:

Provided that no person shall be detained in custody under this sub-section for a period exceeding fifteen days without the order of the Provincial Government.

(*3*) On receipt of any report made under the provisions of sub-section (*2*), the Provincial Government may, in addition to making such order as may appear to be necessary for the temporary custody of any person arrested under this section, make, in exercise of any power conferred upon it by any law for the time being in force, such final order as to his detention, release, residence or any other matter concerning him as may appear to the Provincial Government in the circumstances of the case to be reasonable or necessary.

Cognizance of contraventions of the provisions of the Act or orders made thereunder.

31. (*1*) No Court shall take cognizance of any alleged contravention of the provisions of this Act or of any order made thereunder, except on a report in writing of the facts constituting such contravention, made by a public servant.

(*2*) Proceedings in respect of a contravention of the provisions of this Act alleged to have been committed by any person may be taken before the appropriate Court having jurisdiction in the place where that person is for the time being.

(*3*) Notwithstanding anything contained in Schedule II to the Code of Criminal Procedure, 1898, a contravention of the provisions of section 6, shall be triable by a Court of Session, a Presidency Magistrate or a Magistrate of the first class. Act V of 1898.

(*4*) Any magistrate or bench of magistrates empowered for the time being to try in a summary way the offences specified in sub-section (*1*) of section 260 of the Code of Criminal Procedure, 1898, may if such magistrate or bench of magistrates thinks fit, on application in this behalf being made by the prosecution, try a contravention of any such provisions of this Act or orders made thereunder as the Provincial Government may by notified order, specify in this behalf, in accordance with the provisions contained in sections 262 to 265 of the said Code.

Power to give effect to orders, etc.

32. (*1*) Any authority, officer, or person who is empowered by or in pursuance of the provisions of this Act to make any order, or to exercise any other power may, in addition to any other action prescribed by or under this Act, take, or cause to be taken, such steps as may, in the opinion of such authority, officer or person, be reasonably necessary for securing compliance with, or for preventing or rectifying any contravention of, such order, or for the effective exercise of such power.

(*2*) Where in respect of any of the provisions of this Act there is no authority, officer or person empowered to take action under sub-section (*1*), the Provincial Government may take, or cause to be taken, such steps as may in the opinion of the Provincial Government be reasonably necessary for securing compliance with, or preventing or rectifying any breach of, such provision.

(*3*) For the avoidance of doubt it is hereby declared that the power to take steps under sub-section (*1*) or under sub-section (*2*) includes the power to enter upon any land or other property whatsoever.

Saving as to orders.

33. (*1*) Subject to the provisions of section 491 of the Code of Criminal Procedure, 1898, no order made in exercise of any power conferred by or under this Act, shall be called in question in any Court.

(*2*) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by that authority. I of 1872.

Protection of action taken under the Act.

34. (*1*) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

(*2*) No suit or other legal proceeding shall lie against the Crown for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

The West Bengal Security Act, 1948.

(Chapter V.—Supplementary and Procedural.—Sections 35—37.)

Delegation of powers and duties of the Provincial Government.

35. The Provincial Government may, by notified order, direct that any power or duty which is conferred or imposed by any provision of this Act upon the Provincial Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged also by any officer or authority subordinate to the Provincial Government.

Power to make rules.

36. (*1*) The Provincial Government may make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the principles and the procedure to be followed in assessing, and in making the payment of, allowances and expenses referred to in sub-section (*2*) of section 16;

(*b*) the procedure to be followed in arbitrations and the principles to be followed in apportioning the costs of proceedings before the arbitrator and on appeal referred to in section 25;

(*c*) the manner of publication and service of notices referred to in sub-section (*1*) of section 26.

Saving and Repeal.

37. (*1*) Any order made or deemed to have been made, any notification issued or deemed to have been issued or any direction given or deemed to have been given under any provision of the Bengal Special Powers Ordinance, 1946, and in force immediately before the commencement of this Act shall continue in force and be deemed to be an order made, notification issued or direction given under the corresponding provision of this Act and any penalty incurred, action taken or proceedings commenced under any provision of the said Ordinance shall be deemed to have been incurred, taken or commenced under this Act as if this Act were already in force when such penalty was incurred, or such action was taken or such proceedings were commenced. Ben. Ord. VI of 1946.

(*2*) The Bengal Ordinances Temporary Enactment Act, 1947, in so far as it enacts and continues in operation, the provisions of the Bengal Special Powers Ordinance, 1946, is hereby repealed. Ben. Act I of 1947.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 13th March 1948.

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Calcutta Gazette

Extraordinary

Published by Authority

SATURDAY, MARCH 13, 1948.

RT IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

). 490. —13th March 1948.—The Governor ng been pleased to order, under rule 47 of the t Bengal Legislative Assembly Procedure Rules the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information.

THE BENGAL JUTE REGULATION (WEST BENGAL AMENDMENT) BILL, 1948.

A

BILL

further to amend the Bengal Jute Regulation Act, 1940.

WHEREAS it is expedient further to amend the Bengal Jute Regulation Act, 1940, for the purposes and in the manner hereinafter appearing; Ben. Act. V of 1940.

It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Bengal Jute Regulation (West Bengal Amendment) Act, 1948.

Insertion of new section 10A. **2.** After section 10 of the Bengal Jute Regulation Act, 1940 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

"Special provision for licences in any particular year.

10A. (*1*) Notwithstanding anything contained elsewhere in this Act, the Provincial Government may, in any year, by notification direct that every licence issued under sub-section (*1*) of section 10 in the immediately preceding year shall be deemed to be a licence issued under that sub-section for the growing of jute in the year specified in the notification.

(*2*) When a notification under sub-section (*1*) has been issued, in any year, by the Provincial Government, any grower of jute or his successor in interest, who was entitled to have a licence issued to him in the immediately preceding year under sub-section (*1*) of section 10, but who had not taken out such licence, shall be entitled to have a licence issued to him, as if the immediately preceding year had not expired and the licence so issued, shall, for the purpose of sub-section (*1*), be deemed to be a licence issued under sub-section (*1*) of section 10 in the immediately preceding year.

(*3*) For the avoidance of doubt it is hereby declared that it shall not be necessary for the Provincial Government to constitute an Advisory Board under section 8 or to consult any such Board under section 9 before issuing a notification under sub-section (*1*)".

The Bengal Jute Regulation (West Bengal Amendment) Bill, 1948.

(Clauses 3-4.)

Insertion of new sections 17A and 17B.

3. After section 17 of the said Act, the following sections shall be inserted, namely:—

"Growing of jute on land not used for growing jute within three previous years.

17A. (*1*) Notwithstanding anything contained elsewhere in this Act, the Provincial Government, may, by notification, direct that jute may be grown on any land not included in the final record prepared under section 5, if such land has not been used for growing any crop during the jute growing season within the previous three years.

(*2*) When jute is grown on any land in accordance with the provisions of sub-section (*1*), it shall not be necessary to obtain a licence under sub-section (*1*) of section 10.

Inclusion in the final record of land on which jute is grown under section 17A.

17B. Notwithstanding anything contained elsewhere in this Act, the Director of Land Records, shall, on application made to him in this behalf in the prescribed manner, include any land on which jute may have been grown under the provisions of sub-section (*1*) of section 17A, in the final record authenticated under section 5 and thereafter the provisions of this Act shall apply to such land as if such land had been included in the final record originally authenticated under section 5."

Amendment of section 23.

4. In clause (*q*) of sub-section (*2*) of section 23 of the said Act, after the word and figure "section 10" the words, figure and letter "or under section 17B" shall be added.

STATEMENT OF OBJECTS AND REASONS.

The acreage under jute has been controlled in this province since 1940-41 under the Bengal Jute Regulation Act, 1940, with the object of securing a fair price for this crop to the cultivators. The partition of Bengal has introduced a new situation inasmuch as most of the jute growing areas in the undivided province of Bengal have gone over to East Bengal, with the result that the production of jute in West Bengal and in the other provinces of the Indian Dominion can meet only a small fraction of the demand of the jute mills, which are mostly located within this Province. It has, therefore, become imperative to increase the production of jute in the Indian Dominion. The other provinces are taking action for this purpose. So far as West Bengal is concerned, the existing Jute Regulation Act makes it difficult to increase the area under jute, without a serious risk of a corresponding reduction in the acreage of paddy and other food crops. While, therefore, the continuance of regulation is considered essential in the interests of food production, it has become necessary to amend some of the clauses of the Bengal Jute Regulation Act, 1940, so that an increase in the production of jute may be effected by growing jute in suitable waste lands as well as by an earlier cropping of existing aman lands with jute where possible. It is also proposed to simplify the procedure in respect of regulation in years in which the proportion of jute acreage to the original recorded acreage is intended to be left unchanged as compared to the years immediately preceding.

The present amendment is intended to serve these purposes.

J. N. PANJA,
Member-in-Charge.

CALCUTTA:
The 12th March, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 13th March 1948.

ered No. C20

Calcutta Gazette

Extraordinary

Published by Authority

MONDAY, MARCH 15, 1948

PART I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATIONS.

317A.R.—15th March, 1948.—The following notification by the Secretary to the Governor of West Bengal is hereby published for general information :—

Notification No. 12928., dated the 14th March, 1948.—In His Majesty's name His Excellency the Governor-General has assented to the West Bengal Civil Benches (Continuance) Bill, 1948.

S. N. RAY,
Secretary to the Governor.

By order of the Governor,
M. A. T. IYENGAR,
Joint Secy. to the Govt. of West Bengal

No. 348A.R.—15th March, 1948.—The fo lowing notification by the Secretary to the Govern of West Bengal is hereby published for gener information :—

Notification No. 1294S., dated the 15th Marc 1948.—In His Majesty's name, His Excellen the Governor-General has assented to the We Bengal Expiring Laws Bill, 1948.

S. N. RAY,
Secretary to the Govern

By order of the Governor,
M. A. T. IYENGAR,
Joint Secy. to the Govt. of West Benga

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 495L.—15th March, 1948.—In exer cise of the power conferred by sub-section (1) o section 92 of the Government of India Act, 193 the Governor is pleased to direct that the We Bengal Expiring Laws Act, 1948 (West Ben. Ac V of 1948), shall apply to the district of Darjeelin in so far as it affects any enactment at present i force in that district.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Govt. Printing, W Bengal, at West Bengal Govt. Press, Alipore, on the 15th March 19

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MONDAY, MARCH 15, 1948.

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 493L.—15th March, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor General, is hereby published for general information:—

West Bengal Act IV of 1948

THE WEST BENGAL SPECIAL BENCHES (CONTINUANCE) ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor General was first published in the *Calcutta Gazette, Extraordinary*, of the 15th March, 1948.]

An Act to provide for the continuance of the Special Benches constituted under the Bengal Criminal Law Amendment Ordinance, 1947, and for the disposal of cases pending before them.

WHEREAS the provisions of the Bengal Criminal Law Amendment Ordinance, 1947, as enacted and continued in operation by and under the Bengal Ordinances Temporary Enactment Act, 1947 (hereinafter referred to as "the said provisions"), are temporary in their duration; Ben. Ord. I of 1947. Ben. Act I of 1947.

AND WHEREAS it is expedient that the Special Benches constituted under the said provisions should be continued and the cases which were allotted to them before the commencement of this Act and are pending before them at such commencement should be disposed of by the said Benches in accordance with the said provisions;

It is hereby enacted as follows:—

Short title and commencement.

1. *(1)* This Act may be called the West Bengal Special Benches (Continuance) Act, 1948.

(2) It shall come into force on the date on which the said provisions cease to operate under the Bengal Ordinances Temporary Enactment Act, 1947.

Continuance of the Special Benches and disposal of pending cases.

2. Notwithstanding the expiry of the said provisions it shall be lawful—

(*a*) for the Special Benches constituted thereunder before the commencement of this Act to dispose of, in accordance with the said provisions, the cases which having been allotted to them thereunder are pending before them at such commencement, and

(*b*) for the Provincial Government to reconstitute, in accordance with the said provisions, if necessary, such Special Benches or any of them, for such disposal of the said cases as aforesaid,

and the said Special Benches whether, reconstituted as aforesaid or not, shall continue to function as such till the disposal of the said cases as if the said provisions had not expired.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 494L.—15th March, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor General, is hereby published for general information:—

West Bengal Act V of 1948

THE WEST BENGAL EXPIRING LAWS ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor General was first published in the *Calcutta Gazette, Extraordinary*, of the 15th March, 1948.]

An Act to provide for the further continuance in operation of the provisions of certain Bengal Ordinances as enacted and continued in operation by and under the Bengal Ordinances Temporary Enactment Act, 1947.

WHEREAS the provisions of the Ordinances specified in the Schedule as enacted and continued in operation by and under the Bengal Ordinances Temporary Enactment Act, 1947 (hereinafter referred to as the said provisions) are temporary in their duration; Ben. Act I of 1947.

AND WHEREAS it is expedient to provide for the continuance, as in this Act mentioned, of the said provisions for a further period;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the West Bengal Expiring Laws Act, 1948.

(*2*) It shall come into force on the date on which the said provisions cease to operate under the provisions of the Bengal Ordinances Temporary Enactment Act, 1947.

Continuance of the provisions of certain Ordinances.

2. (*1*) The said provisions shall be deemed to be enacted by this Act and shall have effect and shall continue to operate as such until the 31st day of March, 1949.

(*2*) Any rules, orders, notifications or directions issued or anything done or any action taken or any proceedings commenced under any of the said provisions and in force immediately before the commencement of this Act shall continue in force and shall be deemed to have been issued, done, taken, or commenced, as the case may be, under the corresponding provision as deemed to be enacted and continued in operation by this Act as if this Act were already in force on the date on which such rules, orders, notifications or directions were issued or thing was done or action was taken or proceedings were commenced.

Effect of expiration of the provisions continued by this Act.

3. On the expiration of the period during which the said provisions continue in operation under this Act, such expiration shall not affect—

(*a*) any penalty or punishment incurred or alleged to have been incurred under the said provisions during their continuance in operation, or

(*b*) any investigation, legal proceeding or remedy in respect of any such penalty or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty or punishment may be imposed as if the said provisions had not ceased to operate.

THE SCHEDULE.

(*See* section 2.)

Ordinances promulgated by the Governor of Bengal under section 88 of the Government of India Act, 1935.

Year.	Number.	Short title.
1946	III ...	The Bengal Molasses Control Ordinance, 1946.
1946	V ...	The Calcutta Rent Ordinance, 1946.
1946	XI ...	The Bengal Jute Mills (Temporary Provision) Ordinance, 1946.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 15th March 1948.

Istered No. [illegible]

Calcutta Gazette

OF THE BENGAL L[illegible]

The

Extraordinary

Published by Authority

TUESDAY, MARCH 16, 1948.

RT I—Orders and Notifications by the Governor of t Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME (PRESS) DEPARTMENT.

NOTIFICATION.

No. 160Pr.—16th March 1948.—In exercise of power conferred by section 19 of the Indian ss (Emergency Powers) Act, 1931 (XXIII of 1, the Governor is pleased to declare all copies, ever found, of a booklet in Bengali entitled kistan Jagaran Bani" (Message of Pakistan kening), 1st edition, by Ghulam Mustafa of pur, post office Rajarampur, district Malda present included in Rajshahi district) and ted at the Mudrani Press, Rajshahi, and all r documents containing copies, reprints or slations of, or extracts from the said booklet

to be forfeited to His Majesty, on the ground th
the said booklet contains words of the nature de
cribed in clauses (*a*) and (*h*) of sub-sect... sub-
section 4 of the said Act.

By order of the Governor,
P. C. ACHARYA,
Dy. Secy. to the Govt. of West Beng

Printed and published by the Superintendent, Govt. Ptg., West
at West Bengal Govt. Press, Alipore, on the 16th March

Registered No. C207

The Calcutta Gazette

Extraordinary

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TUESDAY, MARCH 16, 1948.

OF THE BENGAL LEGISLATURE CALCUTTA.

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 504L.—16th March 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL MATERNITY BENEFIT (TEA ESTATES) BILL, 1948.

A

BILL

to regulate the employment of women in tea factories and plantations for certain periods before and after child-birth and to provide for the payment of maternity benefit to them.

WHEREAS it is expedient to regulate the employment of women in tea factories and plantations for certain periods before and after child-birth and to provide for the payment of maternity benefit to them;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the West Bengal Maternity Benefit (Tea Estates) Act, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "child" includes a still-born child;

(*b*) "employer" includes the occupier and the manager of a plantation or a factory;

(*c*) "expected day of her delivery" means the expected day of delivery of a woman as determined by the medical practitioner referred to in sub-section (*1*) of section 6;

(*d*) "factory" means—

(*i*) a factory as defined in clause (*j*) of section 2 of the Factories Act, 1934, or XXV of 1934.

(*ii*) a place declared to be a factory under sub-section (*1*) of section 5 of that Act,

in which any process is carried on for the manufacture of tea or in which any process is carried on incidental to or connected with such manufacture;

The West Bengal Maternity Benefit (Tea Estates) Bill, 1948.

(Clauses 3—5.)

(*c*) "maternity benefit" means the sum of money payable under the provisions of this Act to a woman employed in a plantation or a factory;

(*f*) "nurse" includes a midwife or a trained *dhai;*

(*g*) "plantation" means any estate which is maintained for the purpose of growing tea [the plant *Camellia Thea* (Linn)] and in which twenty or more women are employed, or were employed on any day of the preceding twelve months, for that purpose;

(*h*) "prescribed" means prescribed by rules made under this Act;

(*i*) "woman" means a woman worker; and

(*j*) expressions used, but not defined in this Act, have, where they have been defined in the Factories Act, 1934, the same meaning as in that Act. XXV of 1934.

Employment of, or work by, women in factories prohibited during certain period.

3. After this Act comes into force—

(*1*) no employer shall knowingly employ a woman in any factory or plantation during the six weeks immediately following the day of her delivery; and

(*2*) no woman shall work in any factory or plantation during the six weeks immediately following the day of her delivery.

Right to, and liability for, payment of maternity benefit.

4. Subject to the provisions of this Act, every woman employed in a factory or a plantation shall be entitled to, and her employer shall be liable for, the payment of maternity benefit in respect of the period of six weeks preceding the expected day of her delivery and six weeks immediately following the day of her delivery:

Provided that a woman shall not be entitled to such maternity benefit unless she has worked in any factory or plantation of the employer from whom she claims maternity benefit for not less than one hundred and fifty days in the twelve months immediately preceding the expected day of her delivery:

Provided further that a woman shall not be entitled to such maternity benefit if she has not -

(*a*) permitted herself to be medically examined as required in sub-section (*1*) of section 6, or

(*b*) during the period which extends from the commencement of the six weeks immediately preceding the expected day of her delivery to the day of her delivery and during the six weeks immediately following the day of her delivery attended or permitted herself to be treated in any clinic or hospital, or permitted herself to be treated by any medical practitioner or nurse as required in sub-section (*2*) of section 6:

Provided further that non-compliance by the woman with the provisions of sub-section (*2*) of section 6 before the day of her delivery shall not disentitle her to maternity benefit if the medical practitioner referred to in sub-section (*3*) of section 6 certifies that in his opinion such non-compliance was due to premature delivery or to a *bona fide* miscalculation on the part of the woman as to the state of advancement of her pregnancy.

Amount of maternity benefit.

5. The maternity benefit which is compulsorily payable under section 4 shall be payable at the rate of five rupees and four annas a week for every week during the period of twelve weeks referred to in that section and such payment shall be made either wholly in cash or partly in cash and partly in kind.

The West Bengal Maternity Benefit (Tea Estates) Bill, 1948.

(Clauses 6—8.)

Ante-natal and post-natal care of women.

6. (*1*) Every woman who claims or intends to claim maternity benefit from her employer under this Act shall permit herself to be medically examined by, or under the direction of, the medical practitioner referred to in sub-section (*3*) for the purpose of enabling him to determine the expected day of her delivery and such medical practitioner shall after such examination furnish her with a certificate as to the expected day of her delivery.

(*2*) Every woman who claims or intends to claim maternity benefit from her employer under this Act shall, during the period which extends from the commencement of the six weeks immediately preceding the expected day of her delivery to the day of her delivery and during the six weeks immediately following the day of her delivery,—

(*a*) where free ante-natal and post-natal treatment is provided for her in any hospital or clinic approved in this behalf by the prescribed medical authority, attend such hospital or clinic as required by the medical officer-in-charge thereof and permit herself to be treated therein, or

(*b*) where there is no such hospital or clinic, permit herself to be treated by such medical practitioner or nurse as is provided by her employer under sub-section (*3*).

(*3*) Every employer shall arrange that the services of a medical practitioner and a nurse approved in this behalf by the prescribed medical authority are always available in his factory or plantation for the purpose of giving free ante-natal and post-natal treatment or advice to the women of his factory or plantation.

Amount of work which can be undertaken by a woman during ante-natal period.

7. Notwithstanding that a woman has given notice under sub-section (*1*) of section 8 that she expects to be confined within one month and a half next following, she may, during the period which extends from the commencement of the six weeks immediately preceding the expected day of her delivery to the day of her delivery, undertake light work in the factory or plantation of the employer from whom she claims maternity benefit if and for so long as the medical practitioner referred to in sub-section (*3*) of section 6 certifies that she is physically fit so to do, and for the days that she does such work she shall be paid at the prevailing rate of pay for such work, and such pay shall be paid to her in addition to the maternity benefit which she may be entitled to receive under this Act.

Procedure regarding payment of maternity benefit.

8. (*1*) Any woman who claims or intends to claim maternity benefit under the provisions of this Act shall, on any day, give notice either orally in person or in writing to the employer of the factory or the plantation that she expects to be confined within one month and a half next following and submit at the same time to such employer the certificate referred to in sub-section (*1*) of section 6 and may nominate in the prescribed form a person for purposes of section 9.

(*2*) When the notice and the certificate referred to in sub-section (*1*) are received the employer shall permit the woman who has given the notice to absent herself from work in the factory or plantation on and from the day following that on which such notice and certificate are received until the expiration of six weeks after the day of her delivery.

(*3*) An employer shall pay the maternity benefit as provided in section 5 to a woman entitled thereto under this Act in twelve equal weekly instalments and the payment of the first instalment thereof shall be made within seven days of the giving of the notice together with the certificate referred to in sub-section (*1*) by such woman.

The West Bengal Maternity Benefit (Tea Estates) Bill, 1948.

(Clauses 9—11.)

(*4*) If an employer is satisfied on the report of a medical practitioner or medical officer-in-charge of the clinic or hospital referred to in sub-section (*2*) of section 6 that a woman has ceased according to the provisions of section 4 to be entitled to maternity benefit such employer may discontinue the payment of maternity benefit payable to such woman under sub-section (*3*).

(*5*) Any woman who considers herself aggrieved at any cessation of payment of maternity benefit under sub-section (*4*) may, within thirty days of the date of payment of the last instalment of maternity benefit paid to her under sub-section (*3*), apply in the prescribed manner to the Inspector of Factories, West Bengal, who after giving both parties an opportunity of being heard may reject the application, or direct the employer to pay to the woman the remaining portion of the maternity benefit, as he deems fit. An appeal from the decision of the Inspector of Factories, West Bengal, shall, within thirty days thereof, lie in the prescribed manner to the Labour Commissioner, West Bengal, whose decision shall be final.

Payment of maternity benefit in case of the death of a woman.

9. (*1*) If a woman entitled to maternity benefit under this Act dies on the day of her delivery or during the period thereafter in respect of which she is entitled to the maternity benefit, the liability of the employer under section 4 shall not, by reason of her death, be discharged, and he shall pay the amount of maternity benefit due, if the newly born child survives her, to the person who undertakes the care of the child; and, if the child does not survive her, to the person nominated by her under sub-section (*1*) of section 8 or, if she has made no such nomination, to her next of kin as determined by the employer whose decision shall be final.

(*2*) If a woman dies during the period in respect of which she is entitled to maternity benefit but before giving birth to a child, the employer shall be liable only for the payment of half the amount of maternity benefit due under section 5. Any amount due at the death of the woman shall be paid to the person nominated by her under sub-section (*1*) of section 8, or, if she has made no such nomination, to her next of kin as may be determined by the employer whose decision shall be final.

No notice of dismissal to be given to a woman in certain cases.

10. (*1*) When a woman absents herself from work in accordance with the provisions of this Act, it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice will expire during such absence.

(*2*) (*a*) No notice of dismissal given without sufficient cause by an employer to a woman within a period of six months before her delivery shall have the effect of depriving her of any maternity benefit to which but for such notice she may have become entitled under this Act.

(*b*) If any question arises as to whether any notice of dismissal is one to which clause (*a*) applies, such question shall be referred for decision to the Inspector of Factories, West Bengal, in the prescribed manner. An appeal from the decision of the Inspector shall, within sixty days thereof, lie in the prescribed manner to the Labour Commissioner, West Bengal, whose decision shall be final.

Penalty to woman for doing work in contravention of the Act.

11. If a woman—

(*a*) after she has been permitted by her employer under sub-section (*2*) of section 8 to absent herself from work in a factory or plantation, does any work, other than that provided for under section 7, before the day of her delivery, or

(*b*) works in a factory or plantation or elsewhere during the four weeks immediately following the day of her delivery,

she shall be liable, on conviction, to a fine not exceeding ten rupees.

The West Bengal Maternity Benefit (Tea Estates) Bill, 1948.

(Clauses 12—16.)

Penalty for contravention of the Act by an employer and application of fine in payment of compensation.

12. (*1*) If any employer contravenes any provision of this Act, he shall, on conviction, be liable to a fine which may extend to five hundred rupees.

(*2*) Whenever a Court imposes a fine under this section or confirms in appeal, revision or otherwise such a sentence, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied in the payment of compensation to the woman concerned for any loss or damage caused to her by the contravention of a provision of this Act on account of which the fine has been imposed.

Cognizance of offences.

13. (*1*) No prosecution under this Act shall be instituted except by, or with the previous sanction of, the Inspector of Factories, West Bengal, and no such prosecution shall be instituted until the expiry of the period of appeal under sub-section (*2*) or, if such an appeal is preferred, unless the Labour Commissioner, West Bengal, by his order thereon sanctions a prosecution.

(*2*) Where the Inspector of Factories, West Bengal, decides either to institute a prosecution under this Act or to grant sanction thereto, he shall forthwith communicate his order to the person complained against, who may, within thirty days of the date of the said order, appeal in the prescribed manner to the Labour Commissioner, West Bengal, against such decision. The decision of the Labour Commissioner, West Bengal, on such appeal shall be final.

(*3*) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the First Class shall try any offence against this Act or any rules made thereunder.

Appeal against refusal to prosecute or grant sanction thereto.

14. Where on an application by an employer or a woman in such behalf, the Inspector of Factories, West Bengal, refuses either to institute a prosecution under this Act or to grant previous sanction thereto, he shall without delay communicate to the applicant his order of refusal and an employer or a woman aggrieved by such order may, within thirty days of the date thereof, appeal in the prescribed manner to the Labour Commissioner, West Bengal, against such order. The decision of the Labour Commissioner, West Bengal, on such appeal shall be final.

Limitation of prosecution.

15. No Court shall take cognizance of any offence against this Act or any rule made thereunder unless complaint thereof has been made to the Inspector of Factories, West Bengal, within six months of the date on which the offence is alleged to have been committed.

Rules.

16. (*1*) The Provincial Government may make rules for the purpose of carrying into effect the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the preparation and maintenance of a muster roll or register or a combined muster roll and register, and the particulars to be entered in such muster roll, register or combined muster roll and register or in the register kept or deemed to have been kept under section 41 of the Factories Act, 1934; XXV of 1934.

(*b*) the inspection of factories for the purposes of this Act by the Inspector of Factories, West Bengal;

(*c*) the exercise of powers and the performance of duties by Inspector of Factories, West Bengal, or the medical authority referred to in section 6 for the purposes of this Act;

(*d*) the method of payment of maternity benefit in so far as provision has not been made in this Act;

The West Bengal Maternity Benefit (Tea Estates) Bill, 1948.

(Clause 17.)

(*e*) the medical authority referred to in section 6;

(*f*) the form of nomination referred to in sub-section (*1*) of section 8; and

(*g*) the procedure to be observed—

(*i*) in submitting applications to the Inspector of Factories, West Bengal, and the disposal of appeals under sub-section (*5*) of section 8,

(*ii*) in referring questions for decision to the Inspector of Factories, West Bengal, and the disposal of appeals under clause (*b*) of sub-section (*2*) of section 10, and

(*iii*) in the disposal of appeals under sub-section (*2*) of section 13 or section 14.

(*3*) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(*4*) The power to make rules under this Act shall be subject to the condition of previous publication.

Abstract of this Act and the rules thereunder to be exhibited.

17. An abstract of the provisions of this Act and the rules thereunder in the local vernaculars shall be exhibited in a conspicuous manner by the employer in every part of a tea factory or a plantation in which women are employed.

STATEMENT OF OBJECTS AND REASONS.

The Royal Commission on Labour in India made two separate recommendations regarding the provision of maternity benefits, one for women employed in perennial factories and the other for women employed in plantations. The recommendation regarding perennial factories has been implemented by the passing of the Bengal Maternity Benefit Act, 1939. The object of the present Bill is to implement the recommendation regarding plantations.

On enquiry it transpired that the system of paying maternity benefits in one form or other was in vogue in the majority of the plantations, but some sort of legislative compulsion is considered necessary to regularise the system and to extend it to those plantations in which it does not at present exist. This Bill is designed to secure this object. The matter was discussed in a conference with the representatives of the majority of the tea plantations and the provisions contained in the Bill are based on the conclusions reached in that conference.

KALIPADA MOKHERJEE,
Member-in-charge.

CALCUTTA:
The 13th March, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

5021L.—15th March, 1948.—The Governor g been pleased to order, under rule 47 of the Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE CORPORATION OF CALCUTTA (TEMPORARY SUPERSESSION) BILL, 1948.

A
BILL

to provide for the temporary supersession of the Corporation of Calcutta.

WHEREAS it is expedient to provide for the supersession of the Corporation of Calcutta for a short period and for carrying on the administration of the affairs of the said Corporation during the period of such supersession;

It is hereby enacted as follows:—

Short title, commencement and duration.

1. (*1*) This Act may be called the Corporation of Calcutta (Temporary Supersession) Act, 1948.

(*2*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

(*3*) It shall remain in force up to the 31st day of March, 1949.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(*a*) "the Act" means the Calcutta Municipal Act, 1923; and Ben. Act III of 1923.

(*b*) "the Corporation" means the Corporation of Calcutta as constituted under the Calcutta Municipal Act, 1923.

Supersession of the Corporation.

3. The Provincial Government may, if it so thinks fit, by an order published in the *Official Gazette*, supersede the Corporation from such date and for such period as may be specified in the order.

Consequences of supersession.

4. (*1*) When an order of supersession has been made under section 3, the following consequences shall ensue:—

(*a*) all the Councillors and Aldermen constituting the Corporation, all the members constituting the Committees thereof and the Mayor and Deputy Mayor of the Corporation shall, as from the date of supersession, vacate their offices as such Councillors, Aldermen, members of the Committees and Mayor and Deputy Mayor;

(*b*) all the powers, duties and functions which may, under the provisions of the Act or any rule or by-law made thereunder or of any other law for the time being in force, be exercised and performed by the Corporation or any Committee thereof or by the Mayor or Deputy Mayor or by Councillors or Aldermen shall, during the period of supersession, be exercised and performed by such person (to be called the Administrative Officer) as may be appointed by the Provincial Government in that behalf;

(*c*) all property vested in the Corporation shall, during the period of supersession, vest in His Majesty for the purposes of the Province; and

(*d*) during the period of supersession, the rates shall not be increased and the supplementary taxation shall not be imposed by the Administrative Officer under sub-section (*2*) of section 96 of the Act except with the previous approval of the Provincial Government.

(*2*)(*a*) Before the expiration of the period of supersession, there shall be a fresh general election of Councillors and a fresh election of Aldermen in conformity with the provisions of the Act and the persons who vacated their offices under clause (*a*) of sub-section (*1*) shall not be deemed disqualified for such elections.

(*b*) On the expiration of the period of supersession, the Corporation shall be reconstituted on the results of the elections referred to in clause (*a*) in accordance with the provisions of the Act.

The Corporation of Calcutta (Temporary Supersession) Bill, 1948.

(Clauses 5—9.)

Administrative Officer.

5. (*1*) The Administrative Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Act XLV of 1860.

(*2*) The Administrative Officer shall receive such monthly salary not exceeding three thousand rupees and such monthly allowances not exceeding in the aggregate five hundred rupees as may be fixed by the Provincial Government.

(*3*) The salary and allowances fixed under sub-section (*2*) shall be paid from the Municipal Fund referred to in the Act.

The Executive Officer or Deputy Executive Officer, etc., shall be subordinate to the Administrative Officer.

6. Notwithstanding anything contained in the Act, or any rule or by-law made thereunder, the exercise or discharge by the Executive Officer or Deputy Executive Officer or Chief Engineer or Chief Accountant or Health Officer or Secretary of any powers, duties or functions vested in or imposed upon him by or under the provisions of the Act shall, during the period of supersession under section 3, be subject to control and revision by the Administrative Officer.

Power of the Provincial Government to vest the Administrative Officer with additional powers and duties.

7. In addition to the powers, duties and functions conferred and imposed on the Administrative Officer under clauses (*b*) and (*d*) of sub-section (*1*) of section 4 and section 6, the Administrative Officer shall, during the period of supersession under section 3, also exercise and perform such other powers and duties and do such other acts as in the opinion of the Provincial Government are necessary in the interest of the rate-payers of the Corporation and as the Provincial Government may by order or otherwise direct from time to time notwithstanding anything contained in the Act or any rule or by-law made thereunder.

Indemnity.

8. The Administrative Officer shall not be liable in any Court of law for anything done or purported to be done under this Act.

Power of the Provincial Government to make orders in case of difficulty.

9. Without prejudice to the powers of the Provincial Government under section 7, the Provincial Government may by order authorise any matter or thing to be done which appears to it necessary for the purpose of carrying on the administration of the affairs of the Corporation during the period of supersession under section 3 or of reconstituting the Corporation under sub-section (*2*) of section 4.

STATEMENT OF OBJECTS AND REASONS.

The administration of the Calcutta Corporation is anything but satisfactory and has evoked strong public criticisms for sometime past. Its financial condition is also precarious and Government have to grant subsidies and advance loans to enable it to run its day to day administration. The term of the present Councillors and Aldermen which has already been extended by one year, the maximum that is permissible under the provisions of the Calcutta Municipal Act, 1923, will expire in April next. The general election for reconstitution of the Corporation due to be held on 23rd March, 1948, cannot be held as there was a general complaint that the electoral roll was not properly prepared and as there was scarcely any time for holding the election after proper preparation of the roll; and the result is that there will be no duly constituted Corporation after the expiry of the term of the present Councillors and Aldermen.

In the circumstances, it is proposed to supersede the Corporation temporarily and to appoint an Administrative Officer to carry on its administration with a view to effect necessary reforms in the affairs of the Corporation generally, and also to find out specially whether the financial embarrassment might be relieved by proper administration of its Assessment and Collection Departments. The Bill seeks to provide for supersession of the Corporation for a short period not extending beyond 31st March, 1949, and for appointment of an Administrative Officer. In order to enable the Administrative Officer to effect all necessary reforms in the administration of the Corporation, provision has been made in the Bill to authorise Government to vest the Administrative Officer with such powers and to direct him to perform such duties as may be considered necessary in the interest of the rate-payers of the Corporation. The Bill also provides for reconstitution of the Corporation by election on the expiry of the period of supersession.

The Administrative Officer will also have the electoral roll thoroughly revised so that he might at the end of his term hand over charge to the Corporation after election in accordance with the revised rolls.

CALCUTTA:
Dated the 13th March, 1948.

B. C. ROY,
Member-in-Charge.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 16th March, 1948.

egistered No. C207

The

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THURSDAY, MARCH 18, 1948

THE BENGAL LEGISLATURE CALCUTTA.

ART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION

No. 510L. 17th March, 1948. The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL UNDESIRABLE ADVERTISEMENTS (CONTROL) BILL, 1948.

A

BILL

to control the publication of advertisements relating to contraceptives and the medical treatment of certain diseases and disorders.

WHEREAS it is expedient to control the publication of advertisements relating to contraceptives and the medical treatment of certain diseases and disorders;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the West Bengal Undesirable Advertisements (Control) Act, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "advertisement" includes oral advertisement and also includes any notice, sign, announcement, bill, hand-bill, circular, book, newspaper, magazine, periodical, pamphlet or leaflet, whether pictorial or otherwise;

(*2*) "prescribed" means prescribed by rules made under this Act;

(*3*) "sexual disorder" means any ailment, irregularity, affection or diseased condition of the organs of generation;

(*4*) "venereal disease" means syphilis, gonorrhœa or soft chancre or any sign, symptom or *sequela* of such disease and includes such other venereal diseases as may be prescribed by the Provincial Government in this behalf.

Prohibition of issue of certain advertisements.

3. (*1*) No person shall by means of any advertisement—

(*a*) prescribe or offer to prescribe any medicine or appliance for use as contraceptive, or

The West Bengal Undesirable Advertisements (Control) Bill, 1948.

(Clauses 4—6.)

(*b*) offer to treat any person for, or indicate the line of treatment of, any venereal disease, sexual disorder, irregularity of menstruation or any other prescribed disease, infirmity or abnormality or offer to prescribe, any remedy therefor, or give or offer to give any advice in connection with the treatment thereof.

(*2*) No person shall print or publish, or cause to be printed or published, for distribution or exhibition to the public, or circulate or cause to be circulated or exhibit or cause to be exhibited, to the public or to any person,—

(*a*) any advertisement referred to in sub-section (*1*), or

(*b*) any label or set of instructions, whether pictorial or otherwise, to be affixed to or delivered with, any packet, box, bottle or phial,

if such label or set of instructions recommends, asserts or infers that any remedy, medicine, medicinal or herbal preparation or any appliance or charm of any kind, whether for use internally or externally, is a contraceptive or is useful or may be used as a contraceptive, or is a cure, or is useful or may be used, for the prevention, treatment or relief of any venereal disease, sexual disorder, irregularity of menstruation or any other prescribed disease, infirmity or abnormality.

Confiscation of document etc., containing advertisement, etc., which contravenes section 3.

4. (*1*) Any person prescribed under sub-section (*2*) who may be authorised in writing in this behalf by the Commissioner of Police in Calcutta and the District Magistrate elsewhere may at any time seize and detain any document or any article or thing which such person has reason to believe contains any advertisement which contravenes any of the provisions of section 3, and the Court trying such contravention may direct that such document or such article or thing and all copies thereof shall be forfeited to His Majesty.

(*2*) The Provincial Government shall prescribe the persons or classes of persons who may be authorised under sub-section (*1*) to take the action provided for under that sub-section.

(*3*) Where in pursuance of sub-section (*1*) any document or article or thing has been declared to be forfeited to His Majesty, any police officer may seize any copy thereof, wherever found, and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any premises whereon or wherein such document or article or thing or any copy thereof is or is reasonably suspected to be.

Explanation.—In this section "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866.

Ben. Act IV of 1866.

Ben. Act II of 1866.

Penalty.

5. Whoever contravenes any of the provisions of section 3 shall, on conviction, be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Act not to apply in certain cases.

6. Nothing in this Act shall apply to,—

(*a*) any medical treatise or book, or any treatise or book dealing with the subject from a *bona fide* scientific or social standpoint, or

(*b*) any advertisement, or any article or thing sent confidentially in the prescribed manner only to a medical practitioner or to a wholesale or retail chemist for the purpose of his business, or

(*c*) any advertisement made, printed or published with the previous sanction of such person or persons as the Provincial Government may appoint in this behalf.

The West Bengal Undesirable Advertisements (Control) Bill, 1948.

(Clauses 7—10.)

Explanation.—"Medical practitioner" in this section includes a person regularly practising either the allopathic, homœopathic, Ayurvedic, Unani or any other system of medicine.

Jurisdiction to try offences.

7. No Magistrate other than a Presidency Magistrate or a Magistrate of the first class shall try an offence punishable under this Act.

Officers to be deemed public servants.

8. Any person empowered to act under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Act XLV of 1860.

Indemnity.

9. No suit, prosecution or other legal proceeding shall lie against any servant of the Crown for anything which is in good faith done or intended to be done under this Act.

Power to make rules.

10. (*1*) The Provincial Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the venereal diseases referred to in clause (*4*) of section 2;

(*b*) the diseases, infirmities or abnormalities referred to in section 3;

(*c*) the persons and classes of persons referred to in sub-section (*2*) of section 4;

(*d*) the manner of sending confidentially an advertisement, article or thing referred to in clause (*b*) of section 6.

STATEMENT OF OBJECTS AND REASONS.

Undesirable and objectionable advertisements relating to contraceptives and to alleged cures for venereal diseases, sexual disorders and conditions peculiar to women issued by unqualified medical practitioners and quacks are doing considerable harm to the public by luring them to use medicines and appliances which are injurious and even dangerous to health. The control of such advertisements is desirable for safeguarding the public health. The Bill seeks to control such advertisements by making it penal for a person to make, print or publish such advertisements without the previous sanction of such person or persons as may be appointed by the Provincial Government in this behalf, *bona fide* medical treatises and advertisements sent confidentially to a medical practitioner or to a wholesale or retail chemist for the purpose of his business being exempted. The Bill, however, does not contemplate prohibition or discouragement of the use of scientific and safe contraceptives.

B. C. ROY,

Member-in-charge.

CALCUTTA:

The 17th March, 1948.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 18th March 1948.

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The Calcutta Gazette

Extraordinary

Published by Authority

FRIDAY, MARCH 19, 1948

REGD. OF THE BENGAL LEGISLATURE CALCUTTA.

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 523L.—19th March, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE BENGAL MEDICAL (WEST BENGAL AMENDMENT) BILL, 1948.

A

BILL

further to amend the Bengal Medical Act, 1914

WHEREAS it is expedient further to amend the Bengal Medical Act, 1914, for the purposes and in the manner hereinafter appearing; Ben. Act VI of 1914.

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bengal Medical (West Bengal Amendment) Act, 1948

(*2*) It shall come into force at once:

Provided as follows:—

(*a*) that the term of office of the members constituting the Council at the commencement of this Act, shall continue, as if this Act had not been passed, until a date to be appointed in this behalf by the Provincial Government by notification in the *Official Gazette*;

(*b*) that the term of office of members nominated after the commencement of this Act to fill casual vacancies in that Council shall also continue until the said date.

The Bengal Medical (West Bengal Amendment) Bill, 1948.

(Clause 2.)

Amendment of section 4 of Bengal Act VI of 1914.

2. In section 4 of the Bengal Medical Act, 1914,— Ben. Act VI of 1914.

(*a*) in clause (*d*) the words "or the Dacca University" shall be omitted;

(*b*) in clause (*f*) after the words "medical institution" the words "in West Bengal" shall be inserted;

(*c*) in clause (*g*),—

(*i*) for the words "are qualified to be registered under the Medical Acts" the words and figures "have any of the medical qualifications included in the Second Schedule to the Indian Medical Council Act, 1933" shall be substituted, and XXIV of 1933.

(*ii*) after the words "medical institution" the words "in West Bengal" shall be inserted; and

(*d*) in clause (*h*) after the words "medical institution" the words "in West Bengal" shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

The Bill seeks to amend the Bengal Medical Act, 1914, for debarring the institutions situated in East Bengal from electing any member to the West Bengal Council of Medical Registration.

Section 4(*g*) of the Act is also sought to be amended so that the reference in the section to the Medical Acts (of the United Kingdom) may be read as a reference to the Second Schedule to the Indian Medical Council Act, 1933, as the qualifications registrable under the Medical Acts are included in the said schedule.

B. C. ROY,
Member-in-Charge

CALCUTTA,
The 19th March, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 19th March 1948.

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The



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SATURDAY, MARCH 20, 1948

T IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly: and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

528L.—19th March, 1948.—The Governor has been pleased to order, under rule 47 of the Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL DISTRICT BOARDS (AMENDMENT) BILL, 1948.

A BILL

to amend the West Bengal District Boards Act, 1947

WHEREAS the district of Navadwip has been re-named as the district of Nadia on and from the 25th day of February, 1948;

AND WHEREAS it is expedient to amend the West Bengal District Boards Act, 1947, in the manner hereinafter appearing; West Ben. Act III of 1947.

It is hereby enacted as follows:

Short title and commencement.

1. (*1*) This Act may be called the West Bengal District Boards (Amendment) Act, 1948.

(*2*) It shall be deemed to have come into force on the 26th day of February, 1948.

Amendment of the second preamble to West Bengal Act III of 1947.

2. In the second preamble to the West Bengal District Boards Act, 1947 (hereinafter referred to as the said Act), for the word "Navadwip" the word "Nadia" shall be substituted.

Amendment of section 4.

3. In sub-section (*1*) of section 4 of the said Act, for the word "Navadwip" the word "Nadia" shall be substituted.

Amendment of section 6.

4. In section 6 of the said Act, for the word "Navadwip" the word "Nadia" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The change of the name of the district of Navadwip to Nadia with effect from the 26th February, 1948, has necessitated amendments of the West Bengal District Boards Act, 1947, by substitution of the word "Nadia" for "Navadwip" wherever it occurs in the Act, to take effect from the aforesaid date. The Bill provides for such amendments of the Act.

B. C. ROY,
Member-in-Charge.

CALCUTTA:
The 19th March, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 20th March, 1948.

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LIBRARY OF THE LEGISLATIVE CALCUTTA

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RT IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

o 5321L. —20th March, 1948 The Governor ng been pleased to order, under rule 47 of the t Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE BENGAL TANKS IMPROVEMENT (WEST BENGAL AMENDMENT) BILL, 1948.

A

BILL

further to amend the Bengal Tanks Improvement Act, 1939.

WHEREAS it is expedient further to amend the Bengal Tanks Improvement Act, 1939, for the purposes and in the manner hereinafter appearing; Ben. Act XV of 1939.

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bengal Tanks Improvement (West Bengal Amendment) Act, 1948.

(*2*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, direct.

Amendment of section 2 of Bengal Act XV of 1939.

2. In section 2 of the Bengal Tanks Improvement Act, 1939 (hereinafter referred to as the said Act),—

(*a*) before clause (*1*) the following clause shall be inserted, namely:—

"(*a1*) 'agricultural land' includes land used for the growing of vegetables and the like and also waste land which is capable of cultivation but does not include a fruit garden, an orchard, any temple, mosque or homestead land"; and

(*b*) after clause (*5*) the following clause shall be inserted, namely:—

"(*5a*) 'person having control over a tank' does not include a person by whom the tank is held for a limited time and whose interest in the tank is not transferable;".

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 3—6.)

Amendment of section 3.

3. In section 3 of the said Act for the words "requiring him" the words "requiring such person to intimate to him within a period specified in the notice if such person is willing to carry out and in case such person is so willing," shall be substituted.

Amendment of section 4.

4. In section 4 of the said Act—

(*a*) in sub-section (*1*)—

(*i*) for the words and figure "If the improvements referred to in section 3 are not carried out" the following words shall be substituted, namely :—

"If the person having control over the tank does not send any intimation or sends any intimation to the Collector within the period fixed under section 3 that he is not willing to carry out the improvements referred to in that section or if such person sends any intimation to the Collector within such period that he is willing to carry out the improvements but fails to carry out the improvements", and

(*ii*) for the words "by a notice to" the words "by a notice served in the prescribed manner on" shall be substituted;

(*b*) to sub-section (*2*) the following words and figures shall be added, namely :—

"or the number entered in the record-of-rights finally published under Chapter X of the Bengal Tenancy Act, 1885, of the survey plot comprising such tank"; and VIII 1885.

(*c*) in sub-section (*3*) for the word "issue" the word "confirmation" shall be substituted.

Amendment of section 6.

5. In sub-section (*2*) of section 6 of the said Act, after the words "give preference to" the words "the sole owner or" shall be inserted.

Insertion of new section 6A.

6. After section 6 of the said Act, the following section shall be inserted, namely :—

"6A. (*1*) If any authorised person considers it necessary for the purpose of carrying out the improvements in a derelict tank to take possession of any land adjoining such tank, he may,—

Order for possession of lands adjoining a derelict tank for carrying out improvements in such tank.

(*a*) if he is the Collector, take possession of such land by order in writing,

(*b*) if he is not the Collector, apply in the prescribed manner to the Collector to be empowered to take possession of such land and the Collector may, if he is satisfied after considering the application that such land is required for carrying out the improvements, empower the authorised person by order in writing to take possession of such land:

Provided that the Collector shall not take possession or empower any authorised person to take possession of such land without giving in the prescribed manner the person in possession of such land reasonable opportunity of making any representation he may like to make and without considering any representation so made.

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 7—9.)

(2) Every order made under sub-section (1) shall specify the boundaries of the land to which it relates or the number entered in the record-of-rights finally published under Chapter X of the Bengal Tenancy Act, 1885, of the survey plot comprising such land and shall be in such form as may be prescribed." VIII of 1885.

Amendment of section 7.

7. In section 7 of the said Act,—

(1) in sub-section (1),—

(*a*) for the words "If any authorised person. . . ." the words "If any authorised person other than the Collector. . " shall be substituted,

(*b*) for clause (*a*) the following clause shall be substituted, namely :—

"(*a*) fails to carry out the improvements to the satisfaction of the Collector in accordance with the conditions referred to in sub-section (3) of section 6",

(*c*) after the words and figure "made under section 6" the words, figures, letters and brackets "as well as any order made under clause (*b*) of sub-section (1) of section 6A" shall be inserted,

(*d*) after the words "in respect of the tank" the words, figures, letters and brackets "and in respect of any land of which possession is taken as a result of an order made under clause (*b*) of sub-section (1) of section 6A" shall be inserted,

(*e*) after the words "shall take possession of the tank" the words "and such land" shall be added; and

(2) in sub-section (2), after the word "tank" the words "and such land" shall be inserted.

Amendment of section 8.

8. For section 8 of the said Act, the following section shall be substituted, namely :—

"Authorised person to retain possession of a derelict tank for a period not exceeding twenty-five years.

8. Subject to the provisions of this Act the Collector or an authorised person shall be entitled to remain in possession of a derelict tank of which possession has been taken under the provisions of this Act for such period not exceeding twenty-five years from the date of such possession being taken under section 5 or section 6 as may, in the opinion of the Collector, be necessary to recover the amount referred to in sub-section (1) of section 17 :

Provided that the Collector, may, after considering the views of the authorised person, if any, and for reasons to be recorded in writing, vary such period from time to time subject to the maximum limit of twenty-five years referred to."

Amendment of section 9.

9. For clause (*a*) of section 9 of the said Act the following shall be substituted, namely :—

"(*a*) such person pays to the Collector so much of the costs incurred up to that time both by the authorised person in carrying out the required improvements in the tank and by the Collector in carrying out the purposes of this Act in respect of the tank as remains unrecovered after realisation by the authorised person under this Act of the fees referred to in section 17 or of any sum under any lease referred to in section 18, together with interest on the costs so remaining unrecovered at a rate not exceeding six and a quarter per centum per annum, and".

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clause 10.)

Insertion of new sections 9A, 9B and 9C.

10. After section 9 of the said Act the following sections shall be inserted, namely:—

Authorised person to retain possession of land adjoining a tank during the period of possession of such tank.

"9A. An authorised person shall be entitled to remain in possession of any land adjoining a derelict tank of which possession is taken under section 6A as long as such person remains in possession of such derelict tank under section 8.

Restoration of possession of land adjoining a derelict tank and the retaking of possession of such land.

9B. (*1*) Notwithstanding anything contained in section 9A, if the person recorded as entitled to possession of any land adjoining a derelict tank in the record-of-rights referred to in section 22 or his successor in interest is not the person recorded as entitled to possession of such derelict tank in the record-of-rights referred in the said section or his successor in interest, then the Collector may, at the request of the person so recorded as entitled to possession of such land or his successor in interest or of the authorised person at any time after the required improvements in the tank have been completed, by an order in writing, restore the possession of such land to the person so recorded as entitled to possession of such land or to his successor in interest, although the possession of the tank by the authorised person has not terminated, and when the possession of such land is so restored all rights in the land which existed prior to the time when possession was taken of the land under section 6A shall be revived:

Provided that before the Collector takes any action under this sub-section at the request of any person other than the authorised person, the Collector shall give the authorised person a reasonable opportunity of making any representation he may like to make and the Collector shall consider any representation so made.

(*2*) The person to whom the possession of such land has been restored under sub-section (*1*) shall not use it in such manner as may cause damage to the banks of the derelict tank or may affect the use of the tank for the purposes of irrigation.

(*3*) If the person referred to in sub-section (*2*) fails, in the opinion of the Collector, to comply with the provisions of that sub-section, the Collector may,—

(*a*) again empower the authorised person by an order in writing to take possession of such land whereupon the authorised person shall forthwith take possession thereof, or

(*b*) if he is the authorised person, himself again take possession of such land by order in writing,

and the authorised person so taking possession of such land again shall retain such possession as long as he remains in possession of the tank.

(*4*) Every order made under sub-section (*3*) shall specify the boundaries of the land to which it relates or the number entered in the record-of-rights finally published under Chapter X of the Bengal Tenancy Act, 1885, of the survey plot comprising such land and shall be in such form as may be prescribed. VIII of 1885.

Restoration of possession of land adjoining a derelict tank on the restoration of possession of such tank under section 9.

9C. When the possession of a derelict tank is restored by the Collector under section 9, the Collector shall at the same time restore the possession of any land adjoining such tank of which possession was taken under section 6A and has not already been restored under sub-section (*1*) of section 9B or of which possession was retaken under sub-section (*3*) of section 9B to the person recorded as entitled to possession of such land in the record-of-rights referred to in section 22 or to his successor in interest;

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 11—14.)

Provided that where the person to whom the possession of the tank is restored under section 9 is not the person recorded as entitled to possession of such land in the said record-of-rights of his successor in interest the possession of such land shall not be so restored until the improvements, if any, required to be carried out in the tank under clause (*b*) of the proviso to section 9 has been completed if the person to whom the possession of the tank is so restored agrees to pay the person so recorded as entitled to possession of such land the compensation which would have been payable by the authorised person under sub-section (*1*) of section 14A if such authorised person had continued to be in possession of such land."

Amendment of section 10.

11. In section 10 of the said Act, after the words "derelict tank" the words, figures, letters and brackets "or any land of which possession is taken under section 6A or is retaken under sub-section (*3*) of section 9B" shall be inserted.

Amendment of section 11.

12. In section 11 of the said Act,—

(*a*) after the words "derelict tank" the words "or of any land adjoining a derelict tank under this Act" shall be inserted;

(*b*) after the words "said tank" the words "or land" shall be inserted; and

(*c*) in the proviso, after the words "where rent" the words "in respect of the tank" shall be inserted.

Amendment of section 12.

13. Section 12 of the said Act shall be renumbered as sub-section (*2*) of that section and before the said section as so renumbered the following sub-section shall be inserted, namely:—

"(*1*) Where a derelict tank is, at the time of the taking of possession thereof by an authorised person, in the actual possession of the owner of the tank, the authorised person shall pay, during the period he remains in possession, to such owner at such times and in such manner as may be prescribed, such rent as the Collector, after such enquiry as he thinks fit, may determine:

Provided that where the authorised person is the owner of the tank in actual possession thereof, no such payment of the rent determined by the Collector under this sub-section shall be necessary; but the amount of such rent shall be included in and form part of the costs incurred or likely to be incurred by the authorised person in carrying out the required improvements in the tank."

Amendment of section 14.

14. In section 14 of the said Act—

(*a*) in sub-section (*1*) the words "but not less than the *salami* paid by such cultivator for the lease" shall be omitted; and

(*b*) to that sub-section the following provisos shall be added, namely:-

Provided that the compensation payable to such cultivators shall not be less than an amount which bears to the total amount of *salami*, as determined by the Collector to have been paid for obtaining the lease, the same ratio as the unexpired period of lease bears to the total period of such lease:

Provided further that where no period of lease is expressly mentioned or agreed to between the parties concerned the total period of lease shall be taken as twelve years.

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 15—17.)

Insertion of new section 14A.

15. After section 14 of the said Act the following section shall be inserted, namely:—

"14A. (*1*) Where the owner of a derelict tank is not the owner of any land adjoining such tank of which possession is taken under section 6A, or retaken under sub-section (*3*) of section 9B, the authorised person shall, at such times and in such manner as may be prescribed, pay to the person in possession of such land at the time of taking or retaking possession thereof such compensation as the Collector, after such inquiry as he thinks fit, may determine. Such compensation shall not be less than the amount of the rent which the person so dispossessed is liable to pay in respect of the land and shall be deemed to be a full and complete satisfaction for all loss suffered by such person as a result of interference with his possession.

Payment of compensation to persons having rights in lands adjoining a tank of which possession is taken under this Act.

(*2*) Where the owner of a derelict tank is also the owner of any land adjoining such tank of which possession is taken under section 6A, or retaken under sub-section (*3*) of section 9B, the authorised person shall—

(*a*) in the case where such land is in the actual possession of the owner thereof, pay at such times and in such manner as may be prescribed to such owner such rent as the Collector, after such inquiry as he thinks fit, may determine:

Provided that where the authorised person is the owner of such land in actual possession thereof, no such payment of the rent determined by the Collector under this clause shall be necessary; but the amount of such rent shall be included in and form part of the costs incurred or likely to be incurred by the authorised person in carrying out the required improvements in the tank; and

(*b*) in other cases, pay at such times and in such manner as may be prescribed to any person to whom such land has been leased out and who holds such land as lessee at the time such possession is taken or retaken and to every other person having at that time, on payment of any rent or charge, any right in such land, such compensation as the Collector, after such inquiry as he thinks fit, may determine, and such compensation shall not be less than the amount of the rent or charge which the person to whom the compensation is paid continues to be liable to pay to the owner or the tenant of such land and shall be deemed to be a full and complete satisfaction for all loss suffered by every such person as a result of the interference with the exercise of his right."

Amendment of section 15.

16. Section 15 of the said Act shall be renumbered as sub-section (*1*) of that section and to the said section as so renumbered the following sub-section shall be added, namely:—

"(*2*) During the period any land, of which possession is taken under section 6A, or retaken under sub-section (*3*) of section 9B, remains in the possession of an authorised person, no person shall without the permission of the authorised person use or occupy such land or take fruits from trees on, or other produce from, such land."

Substitution of new sections for sections 16 and 17.

17. For sections 16 and 17 of the said Act, the following sections shall be substituted, namely:—

"16. During the period of possession all rights to use the water of the tank for irrigation purposes shall vest in the authorised person and no person shall use the water of the tank for such purposes except with the permission of the authorised person or in so far as he may be authorised to do so by or under the provisions of this Act.

Rights to use the water of the tank.

16A. (*1*) When the possession of any tank has been taken under section 5 or section 6 the Collector shall determine in the prescribed manner the maximum area of land to the limits of

Maximum irrigation area.

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clause 17.)

which irrigation from the said tank may practicably be extended (hereinafter referred to as the maximum irrigation area) and the system and alignment by which and the priority in accordance with which such irrigation can be so extended to the land in that area, and shall publish a notice in the prescribed form and manner defining the limits of the maximum irrigation area and specifying the system, alignment and priority so determined.

(*2*) Every person possessing agricultural land within the maximum irrigation area shall, subject to the provisions of sub-sections (*3*) and (*4*), be liable to pay a fee annually during the period of possession to the authorised person at the rate fixed and in the manner provided under section 17 and such liability shall not cease by reason of such person not using water for irrigation purposes from the tank to which the maximum irrigation area relates.

(*3*) Any person concerned may, within thirty days of the date of the publishing of the notice referred to in sub-section (*1*), apply in the prescribed form and manner and on payment of the prescribed fee to the Collector for—

(*a*) including any land within the maximum irrigation area,

(*b*) excluding any land from the maximum irrigation area, and

(*c*) exempting any land or part of any land from liability to pay the fees referred to in sub-section (*2*) on the ground that such land cannot practicably be irrigated from the tank to which the maximum irrigation area relates, or cannot be benefitted by such irrigation or that such land is not agricultural land,

and the Collector after giving the applicant a reasonable opportunity of being heard may pass such order as to such inclusion, exclusion or exemption as he thinks fit.

(*4*) The Collector may of his own motion at any time after the expiry of thirty days from the date of publishing of the notice referred to in sub-section (*1*), include within the maximum irrigation area any land which was not agricultural land at the time of publication of such notice but has subsequently been converted into agricultural land, or otherwise revise the limits of the maximum irrigation area or exempt any land or part of any land within such maximum irrigation area from liability to pay the fees referred to in sub-section (*2*) and the Collector shall modify the list referred to in sub-section (*1*) of section 16B accordingly:

Provided that before any order for such inclusion, revision or exemption is passed all persons concerned shall by notice served or published in the prescribed manner be given a reasonable opportunity of making any representation which they may like to make and the Collector shall consider such representation.

Preparation of list.

16B. (*1*) As soon as may be after the Collector has disposed of any applications made under sub-section (*3*) of section 16A he shall prepare a list in the prescribed form and manner of the persons who are liable to pay the fees referred to in sub-section (*2*) of that section and such list shall specify the amount of agricultural land within the maximum irrigation area in respect of which each such person is to pay such fee and the amount of such fee which such person is to pay annually to the authorised person.

(*2*) The Collector shall publish the list referred to in sub-section (*1*) and every modification of such list in the manner prescribed and shall, where the authorised person is not the Collector, forward a copy of such list and every modification of such list to the authorised person who shall permit every person whose name is entered in the list or his successor in interest to use the water of the tank for the irrigation of the land of such person as long as the amount of the fee payable by such person is duly paid and not otherwise.

(*3*) If any dispute arises between persons entered in the list prepared under sub-section (*1*) as to any matter in respect of the use of water by such persons from the tank for the irrigation of their lands the authorised person or a person authorised in this behalf by the Collector shall decide the dispute and his decision, subject to the provisions of section 26, shall be final.

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 18, 19.)

Payment and rate of fees.

17. (*1*) Every person whose name is included in the list referred to in sub-section (*1*) of section 16B or his successor in interest shall pay annually and in the prescribed manner and on the dates prescribed to the authorised person or to such person as may be authorised by the Collector in this behalf the fees fixed according to the provisions of this section.

(*2*) If the fees payable under sub-section (*1*) are not paid within thirty days from the due date fixed for such payment, interest on the amount of the fees so outstanding shall be payable at the rate of six and one quarter *per centum per annum* calculated from the day on which such payment became due until the date on which the amount of the fees so outstanding is paid or recovered, as the case may be.

(*3*) The Collector shall fix, in respect of any tank of which possession is taken under this Act and for which the maximum irrigation area has been determined by the Collector, the rate or rates at which fees to be paid to the authorised person under sub-section (*1*) shall be calculated and different rates may be so fixed for classes of agricultural lands of different descriptions or having different advantages or in respect of lands for the irrigation of which any person had or had not at the time when possession was taken of the tank under the Act the prescriptive right to use water for irrigation.

(*4*) The rate to be fixed under sub-section (*3*) shall be such that all costs incurred or likely to be incurred—

(*i*) by the authorised person in carrying out the required improvements in the tank; and

(*ii*) by the Collector in carrying out the purposes of this Act in respect of the tank;

may be recovered together with interest thereon at a rate, fixed by the Provincial Government, not exceeding 6¼ *per centum per annum* and with an amount estimated by the Collector as likely to be necessary for maintaining the tank in proper condition during the period of possession determined by the Collector under section 8.

(*5*) The Collector may revise the rate or rates of fees fixed under this section in respect of any tank.

(*6*) Any sum due to the authorised person under this section shall be recoverable as a public demand.

Passage of water.

17A. No person shall obstruct the passage of any water taken for irrigation purposes from any tank in accordance with the system, alignment and priority for taking water as determined by the Collector under sub-section (*1*) of section 16A."

Amendment of section 18.

18. Section 18 of the said Act shall be re-numbered as sub-section (*1*) of that section and to the said section as so re-numbered the following sub-sections shall be added, namely:—

"(*2*) During the period any land of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B remains in the possession of an authorised person, such authorised person may, subject to the provisions of this Act and the previous permission of the Collector, lease to any person for a period not extending beyond the said period of possession any part of the said land or any right to take fruits from trees on, or other produce from, such land.

(*3*) Any sum due to the authorised person under any lease granted under this section shall be recoverable as a public demand.

(*4*) All sums realised or estimated to be realised by the Collector or by the authorised person under any lease granted under this section and any other income derived from the tank including banks thereof and from adjoining lands taken possession of under section 6A and by the sale of silt or otherwise, shall be applied to the reduction of costs recoverable under sub-section (*4*) of section 17".

Amendment of section 19.

19. In section 19 of the said Act, after the words "derelict tank" the words, figures, letters and brackets "or in respect of any land of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B" shall be inserted.

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 20—23.)

Insertion of new section 19A.

20. After section 19 of the said Act the following section shall be inserted, namely:—

"19A. Notwithstanding anything contained in the Bengal Tenancy Act, 1885, no person shall acquire any occupancy right in any part of the banks of, or in any land adjoining, a tank leased out to such person under section 18 and no person who has held any part of the banks of any tank under a lease under section 18 at any time since the commencement of this Act shall be deemed to have acquired any occupancy right therein." VIII of 1885.

Bar to acquisition of occupancy rights in lands leased out under section 18.

Substitution of new section for section 20.

21. For section 20 of the said Act the following section shall be substituted, namely:—

"20. (*1*) When any tank has been re-excavated at the expense of the Provincial Government as a relief measure by the system commonly known as Test or Famine Relief, the Collector may after giving an opportunity to the person having control over the tank to be heard in the matter, direct that possession of such tank should be taken over by the Collector.

Application of Act to tank improved as a relief measure.

(*2*) When possession of any improved tank is taken over under sub-section (*1*) such tank shall be deemed for the purposes of this Act to be a tank taken over and improved under the provisions of this Act and the provisions of this Act shall thereupon apply *mutatis mutandis* to such tanks accordingly."

Substitution of new section for section 21.

22. For section 21 of the said Act the following section shall be substituted, namely:—

"21. (*1*) When the possession of a derelict tank is terminated in accordance with the provisions of section 8, the tank shall be restored to the possession of the persons who were recorded as entitled to possession thereof in the record-of-rights referred to in section 22, or their successors in interest and any land possession of which was taken under section 6A but has not been previously restored under section 9B or section 9C or possession of which has been retaken under sub-section (*3*) of section 9B shall be restored to the possession of the persons who are recorded as entitled to possession thereof in the record-of-rights referred to in section 22 or their successors in interest.

Restoration of possession of tank.

(*2*) When possession of any tank or land is restored under sub-section (*1*) or under section 9, all rights in the tank including all rights to use the water for the purposes of irrigation which existed prior to the time when possession was first taken of the tank under section 5 or section 6 and all rights in such land which existed prior to the time when possession of the land was taken under section 6A or retaken under sub-section (*3*) of section 9B as the case may be excepting any rights for which compensation has been paid under section 14, shall be revived."

Amendment of section 22.

23. In sub-section (*1*) of section 22 of the said Act,—

(*a*) after the words "under this Act" the words, figures, letters and brackets "and a record-of-rights in respect of the lands adjoining such tanks of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B" shall be inserted;

(*b*) after the words "such tank" the words "or during the period for which any such land remains in the possession of an authorised person" shall be inserted;

(*c*) after the words "in the record-of-rights" the words "in respect of such tank or such land" shall be added; and

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 24—26.)

(*d*) after sub-section (*1*) the following sub-section shall be inserted, namely:—

"(*1a*) In the record-of-rights prepared under sub-section (*1*) shall be shown in addition to any other details that may be prescribed, the following:—

(*a*) the names of all persons from the stage of actual possessor upwards upto and including the stage of the owner having permanent transferable right in the tank and adjoining lands together with their addresses, nature and extent of right and interest in the tank and adjoining lands as existing immediately before possession of such tank or land is taken under the provisions of the Act;

(*b*) the revenue or rent and cesses, if any, payable by the different persons referred to in clause (*a*) in respect of the tank or land or if that be not ascertainable in respect of the interest in which such tank or land is included; and

(*c*) the numbers of cadastral survey plots together with the names and addresses of possessors of such plots who may have immediately before possession of such tank is taken the prescriptive right of taking water from such tank for irrigation purposes."

Substitution of new section for section 23.

24. For section 23 of the said Act, the following shall be substituted, namely:—

"23. (*1*) The Provincial Government may by order published in the *Official Gazette* direct that any tank which may have been improved under the provisions of this Act prior to the commencement of the Bengal Tanks Improvement (West Bengal Amendment) Act, 1948, shall with effect from a date to be specified in such order, be deemed to have been improved in accordance with the provisions of this Act as amended by the last mentioned Act.

Application of the Act to certain tanks.

(*2*) When an order under sub-section (*1*) is made in respect of any tank, the Collector shall in the prescribed manner, prepare or revise the list of maximum irrigation area, revise the order regarding period of possession and assessment of water rate and take such other action as may be deemed necessary to give effect to such order."

Substitution of new section for section 24.

25. For section 24 of the said Act, the following section shall be substituted, namely:—

"24. All costs incurred by the Collector in carrying out the purposes of this Act in respect of a tank of which possession is taken under section 6 or in respect of any land of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B shall be paid by the authorised person at such times and in such manner as may be prescribed, and on default in payment thereof the same shall be recoverable by the Collector as a public demand."

Costs.

Amendment of section 25.

26. Section 25 of the said Act shall be renumbered as sub-section (*1*) of that section, and—

(*a*) in the said section as so renumbered, the words, figures and brackets "or among any other persons referred to in sub-section (*2*) of section 16" shall be omitted; and

(*b*) to the said section as so renumbered, the following sub-section shall be added, namely:—

"(2) During the period any land of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B remains in the possession of an authorised person, all disputes relating to the exercise of any rights in respect of such land shall be decided by the Collector in such manner as may be prescribed."

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 27—34.)

Amendment of section 26.

27. In section 26 of the said Act,—

(*a*) after the words "any action" the words "or decision" shall be inserted, and

(*b*) after the words "other than the Collector" the words "or any person authorised by the Collector" shall be inserted.

Amendment of section 29.

28. In section 29 of the said Act,—

(*a*) after the word "tank" the words "or of any land adjoining such tank" shall be inserted; and

(*b*) after the words "period of possession" the words "of such tank or during the period for which any such land remains in the possession of an authorised person" shall be inserted.

Amendment of section 30.

29. Section 30 of the said Act shall be renumbered as sub-section (*1*) of that section and after sub-section (*1*) as renumbered the following sub-section shall be added, namely:—

"(*2*) No suit or other proceedings shall lie against the Collector, other authorised person or any officer or worker employed by or under the Collector for anything in good faith done or intended to be done or purporting to be done under the provisions of this Act or any rule made thereunder."

Amendment of section 33.

30. In section 33 of the said Act after the word "tank" the words "or in the land adjoining such tank" shall be inserted.

Amendment of section 34.

31. In section 34 of the said Act, after the word and figure "section 5" the words, figures, letters and brackets "or clause (*a*) of sub-section (*1*) of section 6A, clause (*b*) of sub-section (*3*) of section 9B" shall be inserted.

Amendment of section 35.

32. In section 35 of the said Act, for the words, figures and brackets "or sub-section (*1*) of section 16" the words, figures and letter "section 16 or section 17A" shall be substituted.

Amendment of section 36.

33. In section 36 of the said Act, after the word "tank" the words "or of any land adjoining a tank" shall be inserted.

Amendment of section 37.

34. In sub-section (*2*) of section 37 of the said Act,—

(*1*) in clause (*a*) for the words, figures and brackets "order under sub-section (*1*) of section 6" the words, figures, letters and brackets "orders under sub-section (*1*) of section 6, sub-section (*1*) of section 6A and sub-section (*3*) of section 9B" shall be substituted;

(*2*) after clause (*c*) the following clause shall be inserted, namely:—

"(*cc*) the manner of making an application under clause (*b*) of sub-section (*1*) of section 6A and of giving reasonable opportunity to the person in possession of the land to make any representation under the proviso to the said sub-section;"

(*3*) in clause (*d*), for the words, figures and brackets "and sub-section (*2*) of section 14" the words, figures, letter and brackets "sub-section (*2*) of section 14 and sub-sections (*1*) and (*2*) of section 14A" shall be substituted;

(*4*) after clause (*d*) the following clauses shall be inserted namely:—

"(*dd*) the manner of determining the maximum irrigation area and the system, alignment and priority of irrigation in that area, and the form and the manner of publishing the notice defining the limits of the maximum irrigation area and the system, alignment and priority of irrigation in that area, under sub-section (*1*) of section 16A and the form and manner of the application and the fee payable under sub-section (*3*) of that section;

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(Clause 35.)

(*ddd*) the manner of service and publication of notice referred to in the proviso to sub-section (*4*) of section 16A;

(*dddd*) the form of the list and the manner of its preparation under sub-section (*1*) of section 16B and the manner of publication of the list and every modification thereof under sub-section (*2*) of that section;

(*ddddd*) the manner and the dates of payment of fees under sub-section (*1*) of section 17;"

(*5*) in clause (*e*) for the word "record-of-rights" the word "records-of-rights" shall be inserted;

(*6*) after clause (*e*) the following clause shall be substituted, namely:—

"(*ee*) the manner of preparation and revision of the list of maximum irrigation area referred to in sub-section (*2*) of section 23; and

(*7*) in clause (*f*), for the word and figures "section 25" the words, figures and brackets "sub-sections (*1*) and (*2*) of section 25" shall be substituted.

Repeal of Ben. Act V of 1946.

35. The Bengal Tanks Improvement (Amendment) Act, 1946, is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The Bengal Tanks Improvement Act, 1939, was passed in 1939 for improvement of derelict irrigation tanks. Experience in the working of this Act disclosed that it was necessary to take power from the Legislature for (*a*) making payment of water rate compulsory, (*b*) to empower Collectors to take possession of lands adjoining a derelict tank where this was found necessary for properly improving the tanks, (*c*) enabling Collectors to modify the period of possession, (*d*) preventing the accrual of occupancy right on the land taken over and leased and (*e*) in respect of some other minor matters.

A Bill was introduced in the Assembly in 1944 for making these amendments in the original Act but before the Amendment Bill could be passed the Governor assumed to himself powers under section 93 of the Government of India Act, 1935. The Bill was thereafter published for eliciting public opinion and after some modifications on the basis of opinions received was enacted by the Governor in 1946 under section 93 of the said Act. The term of this Act will expire in April next. The present Bill proposes to re-enact the provisions of Bengal Act XV of 1946 with some further modifications which have become necessary in the light of the experience of the last few years. The following are the more important changes proposed:—

(*a*) extending maximum period of possession from 20 to 25 years,

(*b*) enabling tanks improved as relief measure being treated as tanks improved under the Act,

(*c*) providing for uniformity of procedure being adopted for tanks improved under the old and new Acts,

(*d*) making excess water rate assessable for lands without irrigation easement optional.

With the modifications now proposed the operation of the Act will become smoother and quicker.

J. N. PANJA,
Member-in-Charge.

CALCUTTA,
The 19th March, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal

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WEST BENGAL LEGISLATURE CALCUTTA.

V—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees esented or to be presented to that Assembly; and Bills published before introduction in that ssembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

HL. 22nd March, 1948. The Governor en pleased to order, under rule 47 of the engal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:

THE WEST BENGAL NON-AGRICULTURAL TENANCY BILL, 1948.

A BILL

to make better provision relating to the law of landlord and tenant in respect of certain non-agricultural tenancies in West Bengal.

WHEREAS it is expedient to make better provision relating to the law of landlord and tenant in respect of certain non agricultural tenancies in West Bengal;

It is hereby enacted as follows :-

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the West Bengal Non-agricultural Tenancy Act, 1948.

(*2*) It extends to the whole of West Bengal, except—

(*a*) Calcutta as defined in clause (*11*) of section 3 of the Calcutta Municipal Act, 1923, Ben. Act III of 1923.

(*b*) such suburbs of Calcutta as may have been or may hereafter be notified under section 1 of the Calcutta Suburban Police Act, 1866, and are not included within Calcutta as so defined, and Ben. Act II of 1866.

(*c*) The Howrah Municipality as constituted under the Bengal Municipal Act, 1932. Ben. Act XV of 1932.

(*3*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless there is a repugnant in the subject or context,

(*1*) "Bengali year" means a yea[illegible] the last day of the Bengali month of *Chaitra*;

(*2*) "Collector" includes any officer appointed by the Provincial Government to perform all or any of the functions of a Collector under this Act;

(*3*) "landlord" means a person immediately under whom a non-agricultural tenant holds and includes the Government;

(*4*) "non agricultural land" means land which is used for purposes not connected with agriculture or horticulture, and includes any land which is held on lease for purposes not connected with agriculture or horticulture irrespective of whether it is used for any such purposes or not, but does not include—

(*a*) a homestead to which the provisions of section 1[illegible] of the Bengal Tenancy Act, 1885, apply, VIII of 1885.

(*b*) land which was originally leased for agricultu[illegible] or horticultural purposes but is being used f[illegible] purposes not connected with agriculture [illegible] horticulture without the consent eith[illegible] express or implied of the landlord, if t[illegible] period for which such land has been so us[illegible] is less than twelve years, and

The West Bengal Non-Agricultural Tenancy Bill, 1948.

Chapter II—Classes of Non-agricultural Tenants—Clauses 3—5.)

(*c*) land in the districts of Darjeeling or Jalpaiguri which is held for purposes connected with the cultivation or manufacture of tea :

Provided that where an order has been made under section 72 converting a parcel of land which is not non-agricultural land into a tenancy to which the provisions of this Act apply such land shall be deemed to be non-agricultural land ;

(*e*) "Non-agricultural tenant" means a person who holds non-agricultural land under another person and is, or but for a special contract would be, liable to pay rent to such person for that land but does not include any person who holds any such land on which any premises occupied by such person are situated if such premises have been erected, or are owned, by the person to whom such occupier is, or but for a special contract would be, liable to pay rent for such occupation.

Explanation. In this clause "premises" mean any building such as a house, manufactory, warehouse, stable, shop or hut whether constructed of masonry, bricks, concrete, wood, mud, metal or any other material whatsoever and includes any land appertaining to such building.

(*f*) "prescribed" means prescribed by rules made under this Act ;

(*g*) "*pucca* structure" means any structure constructed mainly of brick, stone or concrete or any combination of these materials ;

(*h*) all words and expressions used but not defined in this Act and used in the Bengal Tenancy Act, 1885, or the Transfer of Property Act, 1882, have the same meanings as in those Acts. VIII of 1885. IV of 1882

CHAPTER II.

CLASSES OF NON-AGRICULTURAL TENANTS.

Classes of non-agricultural tenants.

3. (*1*) There shall be, for the purposes of this Act, the following classes of non agricultural tenants, namely :—

(*a*) tenants, and

(*b*) under tenants.

(*2*) "Tenant" means a person who has acquired from a proprietor or a tenure-holder a right to hold non-agricultural land for any of the purposes provided in this Act, and includes also the successors in interest of persons who have acquired such a right.

(*3*) "Under-tenant" means a person who has acquired a right to hold non agricultural land for any of the purposes provided in this Act either immediately or mediately under a tenant and includes also the successors in interest of persons who have acquired such a right.

Purposes for which non-agricultural tenant may hold non-agricultural land.

4. A non agricultural tenant may hold non-agricultural land for —

(*a*) homestead or residential purposes ;

(*b*) manufacturing or business purposes ; or

(*c*) other purposes

Tenancies held by a non-agricultural tenant.

5. A non-agricultural tenant shall be deemed to hold any non-agricultural land—

(*a*) for homestead or residential purposes if such tenant is entitled, under the terms of any agreement between himself and the landlord, to use or is actually using such land for homestead or residential purposes ;

(*b*) for manufacturing or business purposes if such tenant is entitled, under the terms of any agreement between himself and the landlord, to use or is actually using such land for carrying on therein any commercial or industrial enterprise or any trade or business ; and

(*c*) for religious or other purposes if such tenant is entitled, under the terms of any agreement between himself and the landlord, to use or is actually using such land for a religious purpose or for any purpose not connected with agriculture or horticulture other than—

(*i*) the purposes specified in clauses (*a*) and (*b*), and

(*ii*) the exercise of any forest-rights or rights over fisheries or rights to minerals in such land.

The West Bengal Non-Agricultural Tenancy Bill, 1948.

Chapter III—Tenants—(Clauses 6, 7.)

CHAPTER III.

TENANTS.

Manner of use of non-agricultural lands.

6. (*1*) A tenant holding non-agricultural land may use such land in any manner which is not inconsistent with the purposes of the tenancy and which does not materially impair the value of such land.

(*2*) A tenant holding non-agricultural land comprised in any tenancy to which the provisions of section 7 or section 8 apply shall be entitled

(*a*) to erect any structure including any *pucca* structure ;

(*b*) to dig any tank ; and

(*c*) to plant, enjoy the flowers, fruits and other products of, and fell and utilize or dispose of the timber of, any tree

on such land .

Provided that he shall not be entitled to convert any such land into a place of religious worship without the previous consent of the landlord.

(*3*) A tenant holding non-agricultural land comprised in any tenancy to which the provisions of section 9 apply shall be entitled-

(*a*) to erect any structure other than a *pucca* structure ;

(*b*) to plant, and enjoy the flowers, fruits and other products of, any tree, and

(*c*) to fell, and utilize or dispose of the timber of, any tree planted by him

on such land :

Provided that he shall not be entitled to convert any such land into a place of religious worship without the previous consent of the landlord

Incidents of certain tenancies.

7. Notwithstanding anything contained in any other law for the time being in force or in any contract

(*1*) if any non-agricultural land has been held with or without any lease having been entered into by the landlord and the tenant from before the commencement of the Transfer of Property Act, 1882, or if the origin of any tenancy is unknown, or IV of 1882.

(*2*) if the non-agricultural land comprised in any tenancy which has been or is created after the commencement of the Transfer of Property Act, 1882, has been held for a term of not less than twelve years without any lease in writing, or

(*3*) if any non-agricultural land has been held for a term of not less than twelve years under a lease in writing but no term is specified in such lease, or

(*4*) if any non agricultural land held under a lease in writing for a period specified therein continues to be held with the express or implied consent of the landlord after the expiration of the time limited by such lease and the total period for which such land is so held is not less than twelve years, or

(*5*) if the landlord has allowed *pucca* structures to be erected on any non-agricultural land held under a lease in writing for a period specified therein, whether such structures have been erected,—

(*a*) before the expiration of the said period, or

(*b*) where such non-agricultural land continues to be held with the express or implied consent of the landlord after the expiration of the said period, during the period such non-agricultural land so continues to be held,

then—

(*i*) the tenant holding the non agricultural land comprised in such tenancy shall not be ejected by his landlord from such land except on the ground that he has used such land in a manner which renders it unfit for use for the purposes of the tenancy ;

(*ii*) the interest of the tenant in the non-agricultural land comprised in such tenancy shall, in the case where such tenant dies intestate in respect of such interest, be transmitted by inheritance in the same manner as his other immovable property :

Provided that in any case in which under the law of inheritance to which such tenant is subject, his other property goes to the Crown, his interest in such land shall be extinguished, and

(*iii*) the non-agricultural land comprised in such tenancy or a share or a portion thereof together with the interest of the tenant therein shall, subject to the provisions of this Act, be capable of being transferred and bequeathed in the same manner, and to the same extent as his other immovable property.

Renewals of lease of tenancies held for not less than twelve years and succession to, and transfer of, such tenancies.

8. (*1*) Notwithstanding anything contained in any other law for the time being in force or in any contract, where any non-agricultural land is held under a lease in writing for a term of not less than twelve years specified in such lease, the tenant holding such land shall, on the expiration of the period so specified, be entitled to the option of successive renewals of such lease on such fair and reasonable conditions as to rent as may be agreed upon between the landlord and such tenant :

Provided that no premium or *salami* shall be payable in respect of such renewal.

(*2*) If there is any dispute as to whether any condition for the renewal of a lease under sub-section (*1*) is fair and reasonable, the landlord or the tenant may apply in the prescribed manner to the Court, and the Court shall thereupon determine the conditions for renewal of the lease which it considers fair and reasonable in the circumstances of the case.

(*3*) A tenant holding non-agricultural land comprised in a tenancy to which the provisions of sub-section (*1*) apply shall not be ejected by his landlord from such land during the term specified in the lease, nor after the tenant has on any occasion exercised his option of renewal, during the term of such renewal except on the ground that he has used such land in a manner which renders it unfit for use for the purposes of the tenancy.

(*4*) The interest of the tenant in any non-agricultural land held under a lease to which the provisions of sub-section (*1*) apply shall, during the term specified in the lease, or where the tenant has exercised his option of renewal, during the term of such renewal—

(*i*) in the case where such tenant dies intestate in respect of such interest, be transmitted by inheritance in the same manner as his other immovable property :

Provided that in any case in which, under the law of inheritance to which such tenant is subject, his other property goes to the Crown, his interest in such land shall be extinguished ; and

(*ii*) subject to the provisions of this Act, be capable of being transferred and bequeathed in the same manner and to the same extent as his other immovable property.

Incidents of non-agricultural tenancies held for less than twelve years.

9. (*1*) Notwithstanding anything contained in any other law for the time being in force or in any contract, if any non-agricultural land has been held for a term of more than one year but less than twelve years—

(*a*) under a lease in writing for a term of more than one year but less than twelve years to which the provisions of clause (*5*) of section 7 do not apply, or

(*b*) without a lease in writing, or

(*c*) under a lease in writing but no term is specified in such lease,

then the tenant holding such non-agricultural land shall be liable to ejectment on one or more of the following grounds and not otherwise, namely :—

(*i*) on the ground that he has used such land in a manner which renders it unfit for use for the purposes of the tenancy ;

(*ii*) on the ground that the term of the lease has expired in the case of tenancies of the class specified in clause (*a*) ;

(*iii*) on the ground that the tenancy has been terminated by the landlord by six months' notice in writing expiring with the end of a year of the tenancy served on the tenant in the prescribed manner in the case of tenancies of the class specified in clause (*b*) :

Provided that a tenant shall not be liable to ejectment on the ground specified in clause (*iii*) except on payment of such reasonable compensation as may be agreed upon between the landlord and the tenant or if they do not agree, as may be determined by the Court on the application of the landlord or such tenant.

(*2*) The interest of the tenant in any non-agricultural land to which the provisions of sub-section (*1*) apply shall,—

(*i*) in the case where such tenant dies intestate in respect of such interest, be transmitted by inheritance in the same manner as his other immovable property :

Provided that in any case in which under the law of inheritance to which such tenant is subject his other property goes to the Crown, his interest in such land shall be extinguished ; and

(*ii*) subject to the provisions of this Act, be capable of being transferred and bequeathed in the same manner and to the same extent as his other immovable property.

Special incidents in case of misuse of non-agricultural land.

10. Notwithstanding anything elsewhere contained in this Act or in any other law for the time being in force or in any contract where any non-agricultural land held by a non-agricultural tenant or any share or portion thereof is used

(*a*) for any immoral, illegal or unsocial purpose, or

(*b*) in any manner so as to become a source of grave danger to the public peace or public safety,

a co-sharer tenant or the landlord of the non-agricultural tenant may, if such land or share or portion is contiguous to any land in the actual possession of such co-sharer tenant or landlord, as the case may be, apply to the Court for such land or share or portion to be transferred to himself on payment of such consideration as may be determined by the Court :

Provided that if two or more persons apply under this section for such transfer, the Court shall determine the priority of the rights of the respective applicants to purchase under this section.

Enhancement of rent.

11. (*1*) The rent payable by a tenant in respect of any non-agricultural land shall not, except in the case where such land is held on a fixed rent or free of rent either under a contract or under a decree or order passed by a competent Court or authority, be liable to enhancement otherwise than as provided by this Act.

(*2*) The rent payable by a tenant may be enhanced up to such limit as the Court thinks fair and equitable in the circumstances of the case :

Provided that the rent shall not be enhanced so as to exceed the rent previously payable by the tenant by more than twelve and a half *per centum*.

(*3*) In determining a fair and equitable rent under sub-section (*2*) the Court shall, subject to such further provisions as may be prescribed in this behalf, take into consideration—

(*a*) the existing rent and the period during which it has remained without enhancement ;

(*b*) as far as can expediently be ascertained, the rent paid to other landlords for non-agricultural lands in the vicinity with similar advantages or of a similar description ;

(*c*) the market value of the non-agricultural land and the rent which would be payable if the rate were fixed at not more than four *per centum* of such market value ;

(*d*) the special conditions and incidents, if any, of the tenancy ; and

(*e*) any cost incurred in making any improvement to or on the non-agricultural land or in converting such land for the purpose for which it is being used according to the conditions of the tenancy.

Provisions as to enhancement on ground of landlord's improvement.

12. (*1*) When an enhancement is claimed on the ground of a landlord's improvement,—

(*a*) the Court shall not grant an enhancement unless the improvement has been registered in accordance with the provisions of this Act ; and

(*b*) in determining the amount of enhancement the Court shall have regard to,—

(*i*) the increase in the value of the non-agricultural land caused or likely to be caused by the improvement,

(*ii*) the cost of the improvement,

(*iii*) the expenditure (if any), required for utilising the improvement, and

(*iv*) the existing rent and the ability of the non-agricultural land to bear a higher rent.

(*2*) A decree under this section shall, on the application of the tenant, be subject to reconsideration in the event of the improvement not producing or ceasing to produce the estimated effect.

Power to order progressive enhancement

13. If it thinks that an immediate increase of rent will cause hardship, the Court may direct that the enhancement shall take effect gradually at such intervals and by such increments extending over a period not exceeding five years as the Court may fix in this behalf.

Limitation of right to enhancement

14. (*1*) When a tenant is admitted to the occupation of any non-agricultural land, the rent payable by such tenant in respect of such land shall not, except on the ground of landlord's improvement, be enhanced during the fifteen years next following the date on which the tenant has been so admitted to the occupation of such land.

(*2*) When the rent of a tenant has been enhanced by the Court or in pursuance of the conditions of a contract, it shall not be further enhanced during the fifteen years next following the date on which it has been last so enhanced and for the purposes of this section if an order of gradual enhancement of such rent has been made by a Court in accordance with the provisions of section 13, the full rent fixed by such order shall be deemed to have come into effect from the date of such order :

Provided that the landlord of such tenant may institute a suit for the enhancement of the rent of such tenancy during the said period of fifteen years on the ground of any improvement effected to the non-agricultural land comprised in such tenancy by, or wholly or partly at the expense of, such landlord during such period.

Reduction of rent.

15. The rent of a tenant may be reduced by the Court if the Court considers that the rate of rent payable by such tenant is unfair and inequitable, and in determining what rent is fair and equitable under this section the Court shall have regard to the provisions of sub-section (*3*) of section 11.

CHAPTER IV.

UNDER-TENANTS.

Application of Chapter.

16. The provisions of this Chapter shall apply to all under-tenants whether their tenancies were created before or after the commencement of this Act.

The West Bengal Non-Agricultural Tenancy Bill, 1948.

(*Chapter IV—Under-tenants. Clauses 17—21.*)

Terms on which an under-tenant may be admitted to occupation of non-agricultural land.

17. An under-tenant may be admitted to the occupation of any non-agricultural land on such terms and conditions consistent with the provisions of this Act as may be agreed upon between himself and his landlord.

Rate of rent payable by an under-tenant.

18. An under-tenant shall be liable to pay such rate of rent for the non-agricultural land comprised in his tenancy as has been agreed upon between himself and his landlord at the time of his admission to the occupation of such land :

Provided that the rate of rent payable in respect of the non-agricultural land comprised in any tenancy by an under-tenant who has been admitted to occupation of such land after the commencement of this Act shall not, except in the case where such land is held on a fixed rent or free of rent by the tenant under whom such under-tenant holds, exceed one and a half times the rate of rent payable by such tenant in respect of such land.

Enhancement of rent.

19. (*1*) Notwithstanding anything contained in any other law for the time being in force or in any contract, the rent of an under-tenant shall be liable to enhancement up to a limit not exceeding one and a half times the rent for the time being payable in respect of the non-agricultural land comprised in the tenancy of such under-tenant by the tenant under whom such under-tenant holds in the case where such tenant does not hold such land at a fixed rent or free of rent, and up to such limit as the Court may, subject to such provisions as may be prescribed in this behalf, think fair and equitable in other cases.

(*2*) For the purposes of sub-section (*1*) the rent for the time being payable in respect of the non-agricultural land comprised in the tenancy of an under-tenant by the tenant under whom such under-tenant holds shall, in the case where such under-tenant has been admitted to the occupation of only a portion of the land comprised in the tenancy of such tenant, be determined in such manner as may be prescribed.

Ejectment of an under-tenant.

20. Notwithstanding anything contained in any other law for the time being in force or in any contract, an under-tenant shall, subject to the provisions of this Act, be liable to ejectment on one or more of the following grounds, and not otherwise, namely :—

(*a*) on the ground that he has used the non-agricultural land comprised in his tenancy in a manner which renders it unfit for use for the purposes of the tenancy ;

(*b*) on the ground that the term of his lease has expired when he holds the non-agricultural land under a written lease :

Provided that in the case where any non-agricultural land is held by an under-tenant without a lease in writing or under a lease in writing but no term is specified in such lease, it shall be also lawful for his landlord to eject him from such land after having given him six months' notice in writing expiring with the end of a year of the tenancy, and on payment of such reasonable compensation as may be agreed upon between the landlord and the under-tenant, or in the case where they do not agree, as may be determined by the Court on the application of the landlord or such under-tenant.

Other incidents of tenancies of under-tenants.

21. The interest of an under-tenant in any non-agricultural land shall,—

(*a*) in the case where such under-tenant dies intestate in respect of such interest, be transmitted by inheritance in the same manner as his other immovable property :

Provided that in any case in which under the law of inheritance to which such under-tenant is subject his other property goes to the Crown, his interest in such land shall be extinguished ; and

(*b*) subject to the provisions of this Act, be capable of being transferred and bequeathed in the same manner and to the same extent as his other immovable property.

Special incidents of a permanent tenancy of an under-tenant.

22. Notwithstanding anything contained in any other law for the time being in force or in any contract, where the conditions referred to in clauses (*1*), (*2*), (*3*), (*4*) or (*5*) of section 7 are fulfilled in relation to the tenancy of an under-tenant or where any non-agricultural land is held by an under-tenant under a lease in writing for a term of not less than twelve years specified in such lease, such under-tenant shall have as regards his immediate landlord all the rights and liabilities of a tenant as set forth in section 7 or section 8, as the case may be, and the provisions of sections 6, and 10 to 15 shall apply and the provisions of sections 18, 19 and 20, in so far as they are inconsistent with the provisions of this section, shall not apply, to such under-tenant and the provisions of section 10 shall apply to an under-tenant also in any other case.

CHAPTER V.

PROVISIONS AS TO TRANSFER OF NON-AGRICULTURAL LAND.

Manner of transfer of non-agricultural land and notices to landlords.

23. (*1*) Every transfer of non-agricultural land held by a non-agricultural tenant or of any portion or share thereof shall, except in the case of a bequest or a sale in execution of a decree or of a certificate signed under the Bengal Public Demands Recovery Act, 1913, be made by registered instrument, and a Registering Officer shall not accept for registration any such instrument unless the sale price or, where there is no sale-price, the value of the land or portion or share thereof transferred is stated therein, and unless it is accompanied by—

Ben. Act III of 1913.

(*a*) a notice giving the particulars of the transfer in the prescribed form, together with the process fee prescribed for the service thereof on the landlord who is not a party to the transfer, and

(*b*) such notices and process fees as may be required by sub-section (*4*).

(*2*) In the case of a bequest of such land or portion or share thereof, no Court shall grant probate or letters of administration until the applicant files a notice similar to, and deposits a process fee of the same amount as, that referred to in clause (*a*) of sub-section (*1*).

(*3*) A Court or Revenue Officer shall not confirm the sale of such land or portion or share thereof put to sale in execution of a decree or a certificate signed under the Bengal Public Demands Recovery Act, 1913, and no Court shall make a decree or order absolute for foreclosure of a mortgage of such land or portion or share thereof until the purchaser or the mortgagee, as the case may be, files a notice similar to and deposits a process fee of the same amount as that referred to in sub-section (*1*).

(*4*) If the transfer of a portion or share of such land be one to which the provisions of section 24 apply there shall be filed notices giving particulars of the transfer in the prescribed form together with process fees prescribed for the service thereof on all co-sharer tenants of such land who are not parties to the transfer.

(*5*) The Court, Revenue Officer or Registering Officer, as the case may be, shall in the prescribed manner serve the notices for which this section provides and after service of such notice the landlord shall not refuse to recognise the transferee as the tenant in respect of the land or portion or share thereof transferred nor omit to enter the name of the transferee in the rent roll of the landlord in place of that of the transferor or, where only a portion or share of the interest of the transferor has been transferred, along with the name of the transferor.

Power of the co-sharer or the immediate landlord of transferor to purchase.

24. (*1*) If a portion or share of the non-agricultural land held by a non-agricultural tenant is transferred, one or more co-sharer tenants of such land, or if the non-agricultural land held by a non-agricultural tenant or a portion or share thereof is transferred, the immediate landlord of such non-agricultural tenant may within four months of the service of notice issued under section 23 apply to the Court for such portion or share or for such land or portion or share, to be transferred to himself or to themselves, as the case may be :

Provided that—

(*a*) if both the co-sharer tenant and the landlord apply under this section and comply with the provisions herein contained the co-sharer tenant shall have the prior right to purchase under this section ;

The West Bengal Non-Agricultural Tenancy Bill, 1948.

(Chapter V—Provisions as to transfer of non-agricultural land—Clause 24.)

(*b*) the immediate landlord of the non-agricultural tenant shall not have any right to purchase under this section unless the non agricultural land or the share or portion thereof so transferred is contiguous to any land in the actual possession of the landlord and the Court is satisfied that such land or share or portion thereof is required for use by such landlord for any of the purposes specified in section 4 : and

(*c*) in the case of a transfer in execution of a decree or certificate signed under the Bengal Public Demands Recovery Act, 1913, for arrears of rent due in respect of such land, the immediate landlord of the non-agricultural tenant shall not have any right to purchase under this section. Ben. Act III of 1913.

(*2*) The application under sub-section (*1*) shall be dismissed unless the applicant at the time of making it deposits in Court the amount of the consideration money or the value of the property or the portion or share thereof transferred as stated in the notice served on the applicant under section 23 together with compensation at the rate of five *per centum* of such amount.

(*3*) If such deposit is made, the Court shall give notice to the transferee to appear within such period as it may fix and to state what other sums he has paid in respect of rent for the period after the date of transfer or in annulling encumbrances on the property. The Court shall then direct the applicant, including any person whose application under sub-section (*4*) is granted, to deposit within such period as the Court thinks reasonable such amount as the transferee has paid on this account together with interest at the rate of six and a quarter *per centum per annum* with effect from the date on which the transferee made such payments.

(*4*) (*a*) When an application has been made by one or more co-sharer tenants under sub-section (*1*) any of the remaining co-sharer tenants including the transferee, if one of them, may within the period of four months referred to in the said sub-section or within one month of the application, whichever is later, apply to join in the said application, and any co-sharer tenant who has not applied under sub-section (*1*) or has not applied to join under this sub-section, shall not have any further right to purchase under this section.

(*b*) Such application to join as a co-applicant shall be dismissed unless within such period as the Court may fix, the applicant deposits in Court for payment to the applicant under sub-section (*1*), such sum, as the Court shall determine as the share to be paid by him for the purposes of sub-section (*2*). If such deposit is made, the Court shall grant the application to join and thereafter such applicant shall be deemed to be an applicant under sub-section (*1*).

(*5*) If the deposits required under sub-section (*2*) or clause (*b*) of sub-section (*4*), as the case may be, and under sub-section (*3*) are made, and, in the case where the application is made by the immediate landlord, the Court is satisfied that the conditions referred to in sub-section (*1*) have been fulfilled the Court shall make an order allowing the application and directing that the deposits made under sub-sections (*2*) and (*3*) shall be paid to the transferee or to such persons as the Court thinks fit :

Provided that if both the immediate landlord and the co-sharer tenant have applied under this section and the application of the co-sharer tenant is allowed under this sub-section, the application of the immediate landlord shall be dismissed.

(*6*) Notwithstanding anything contained in any other law for the time being in force the Court shall, if the applicant under sub-section (*1*) or any person whose application under sub-section (*4*) is granted disputes the correctness of the amount of the consideration money as stated in the notice issued under section 23, inquire into such dispute before making an order under sub-section (*5*) and after giving the transferee an opportunity of being heard determine for the purposes of this section the amount of the consideration money which the transferee has actually paid for the transfer

of the property or the portion or share thereof, as the case may be, and the amount so determined shall be deemed to be the consideration money referred to in sub-section (2) and where the amount of the consideration money has been so determined the deposit made under that sub-section shall for the purposes of sub-section (5) be the amount so determined together with the compensation at the rate of five *per centum* of such amount.

(7) In making an order under sub-section (5) in favour of more than one co-sharer tenant, the Court may apportion the property comprised in the portion or share transferred among the applicants in such manner as it deems equitable after taking existing possession into consideration ; the Court shall so apportion the said property or portion thereof on the request of any applicant and, in this case, may require the applicant who makes such request to deposit, within such period as the Court may fix, such further sums as the Court considers necessary for equitable distribution among the remaining applicants :

Provided that no apportionment order under this sub-section shall operate as a division of the tenancy.

(8) From the date of the making of the order under sub-section (5) :-

(*i*) the right, title and interest in the non-agricultural land or portion or share thereof accruing to the transferee from the transfer shall subject to any orders passed under sub-section (7), be deemed to have vested free from all encumbrances which have been annulled or created after the date of transfer, in the immediate landlord or in the co-sharer tenant, as the case may be, whose application to purchase has been allowed under this section,

(*ii*) the liability of the transferee for the rent due from him on account of the transfer shall cease, and

(*iii*) the Court, on further application of such applicant, may place him in possession of the property vested in him.

(9) An appeal from any order of a Court under this section shall lie to the Civil Appellate Court having jurisdiction to entertain such appeals.

(*10*) Nothing in this section shall take away the right of pre-emption conferred on any person by Muhammadan Law.

(*11*) Nothing in this section shall apply to—

(*a*) a transfer to a co-sharer in the tenancy whose existing interest has accrued otherwise than by purchase, or

(*b*) a transfer by exchange, sub-lease or partition, or

(*c*) a transfer by bequest or gift (including *heba* but excluding *heba-bil-ewaz* for any pecuniary consideration) in favour of the husband or wife of the testator or the donor or of any relation by consanguinity within three degrees of the testator or donor, or

(*d*) a *wakf* in accordance with the provisions of the Muhammadan Law, or

(*e*) a *debutter* or any other dedication for religious or charitable purposes without any reservation of pecuniary benefit for any individual.

Explanation.—A relation by consanguinity shall, for the purposes of this sub-section, include a son adopted under the Hindu Law.

Saving as to statements in instruments of transfer where landlord is not a party.

25. Notwithstanding anything contained in the Indian Evidence Act, 1872, nothing contained in any instrument of transfer to which the landlord is not a party shall be evidence against the landlord of the permanence, the amount or fixity of rent, the area, the transferability or any incident of any tenancy referred to in such instrument. I of 1872.

The West Bengal Non-Agricultural Tenancy Bill, 1948.

(Chapter V—Provisions as to transfer of non-agricultural land—Chapter VI—Record-of-rights and settlement of rents—Clauses 26—30).

Interpretation.

26. (*1*) In this chapter "transferee", "purchaser" and "mortgagee" include their successors in interest.

(*2*) In section 23,—

(*a*) "transfer" does not include partition or a sub-lease, or, until a decree or order absolute for foreclosure is made, simple or usufructuary mortgage or mortgage by conditional sale;

(*b*) "transferor" includes a person whose interest in any non-agricultural land or portion or share thereof has terminated in the circumstances mentioned in sub-section (*2*) or sub-section (*3*) of that section.

CHAPTER VI.

RECORD-OF-RIGHTS AND SETTLEMENT OF RENTS.

Power to order survey and preparation of record-of-rights.

27. The Provincial Government may in any case and in particular, in any of the cases specified in sub-section (*2*) of section 101 of the Bengal Tenancy Act, 1885, if it thinks fit, make an order directing that a survey be made and a record-of-rights be prepared by a Revenue-officer in respect of all non-agricultural lands in any local area, estate or tenure or part thereof whether or not the said Act extends to such area, estate, tenure or part. VIII of 1885.

Applicability of the provisions of Chapter X of the Bengal Tenancy Act, 1885.

28. When an order under section 27 has been made,—

(*a*) the particulars to be recorded shall be specified in the order and may include, either without or in addition to other particulars, any of those particulars specified in section 102 of the Bengal Tenancy Act, 1885;

(*b*) subject to any rules made under this Act, all the provisions of Chapter X of the Bengal Tenancy Act, 1885, and the rules made thereunder shall, in so far as they are not inconsistent with the provisions of this Act, apply as if such order is an order made under section 101 of the said Act in respect of lands used for purposes connected with agriculture or horticulture.

Order for estimate of fair and equitable rents of non-agricultural lands and preparation of a settlement rent-roll.

29. When an order has been made under section 27 in respect of any local area, estate or tenure or part thereof of which a settlement of land revenue is being or is about to be made, the Provincial Government may make an order directing the Revenue-officer, after recording under section 28 those particulars which are relevant and after publication of the draft of the record-of-rights—

(*a*) to estimate fair and equitable rents for non-agricultural tenants of every class in accordance with the provisions of this Act, and

(*b*) to estimate the rental value for all or any non-agricultural lands which are held *khas* by a landlord,

in such local area, estate or tenure or part thereof, and then to prepare in the prescribed form and manner a settlement rent-roll in which the rents and rental values so estimated together with such other particulars as may be prescribed shall be specified.

Procedure where both non-agricultural and other lands are concerned.

30. Notwithstanding anything contained in the Bengal Tenancy Act, 1885, when an order has been made under section 29 directing a Revenue-officer to prepare a settlement rent-roll in respect of non-agricultural lands in any local area, estate or tenure or part thereof—

(*a*) the rents of such non agricultural lands shall not be settled under Part II of Chapter X of the said Act; and

(*b*) where any of such non-agricultural lands are comprised in a tenancy which includes lands other than non-agricultural lands, the Revenue-officer shall—

(*i*) divide the tenancy so as to constitute separate tenancies for the non-agricultural lands and the other lands;

(*ii*) apportion the existing rent between the tenancies so constituted; and

(*iii*) estimate fair and equitable rents for the non-agricultural lands in accordance with the provisions of this Act.

Publication of settlement rent-roll, hearing of objections and confirmation.

31. (*1*) When an order has been made under section 29 for the preparation of a settlement rent-roll, the Revenue-officer shall prepare such rent-roll in accordance with the provisions of this Chapter and shall cause a draft of it to be published in the prescribed manner and for the prescribed period and shall receive and consider any objections made in regard to any entry therein or omission therefrom during the period of publication and shall dispose of such objections according to such rules as the Provincial Government may make.

(*2*) The Revenue-officer may, of his own motion or on the application of any party aggrieved, at any time before a settlement rent-roll is submitted to the confirming authority under section 32, revise any entry therein:

Provided that no such entry shall be revised until reasonable notice has been given to the parties concerned to appear and be heard in the matter.

Final revision of settlement rent-roll and its confirmation by prescribed Revenue authority.

32. (*1*) When all objections have been disposed of under section 31, the Revenue-officer shall submit the settlement rent-roll to the prescribed Revenue authority for confirmation with a full statement of the grounds for his proposals and a summary of the objections (if any) which he has received.

(*2*) Such authority may confirm the settlement rent-roll with or without amendment or may return it for revision:

Provided that no entry shall be amended or omission supplied until reasonable notice has been given to the parties concerned to appear and be heard in the matter.

(*3*) After confirmation by such authority the Revenue-officer shall cause the date of confirmation to be published in the prescribed manner and thereafter the settlement rent-roll shall be open to inspection at such place and times as may be prescribed.

Appeals.

33. (*1*) Any person who is aggrieved by any entry in or omission from a settlement rent-roll confirmed under section 32 may appeal to the prescribed Revenue authority and from the decision of such authority to the Board of Revenue in the manner and within the period prescribed in this behalf.

(*2*) No Civil Court shall annul or alter any decision of a Revenue-officer, a Revenue authority or the Board of Revenue under section 30 or section 31 or section 32 or sub-section (*1*) of this section except as provided in section 34.

Suits.

34. (*1*) Any person who is aggrieved by any entry in or omission from a settlement rent-roll confirmed under section 32 may institute a suit in the Civil Court which would have jurisdiction to entertain a suit for the possession of the land to which the entry relates or in respect of which the omission was made.

(*2*) Such suit shall be instituted within six months from the date of confirmation of the settlement rent-roll or from the date of the certificate of final publication of the record-of-rights, whichever is later, or, if an appeal has been presented under section 33, within three months from the date of the disposal of such appeal.

(*3*) Such suit may be instituted on any of the following grounds and on no other ground, namely :—

(*a*) that the land is not liable to the payment of rent ;

(*b*) that the land although entered in the record-of-rights as being held rent-free is liable to the payment of rent ;

(*c*) that the relation of landlord and tenant does not exist ;

(*d*) that in the record-of-rights the land has been wrongly recorded as part of a particular estate or tenancy or wrongly omitted from the lands of any estate or tenancy ;

(*e*) that in the record-of-rights there has been any omission of an under-tenant or such under-tenant has been wrongly recorded as holding the land rent-free ;

(*f*) that in the record-of-rights the special conditions and incidents of the tenancy have not been recorded or have been wrongly recorded ;

(*g*) that in the record-of-rights any right of way or other easement attached to the land has not been recorded or has been wrongly recorded ;

(*h*) that the land has been wrongly recorded in the settlement rent-roll as non-agricultural land ; and

(*i*) that there has been an omission to estimate fair and equitable rents in respect of any land under this Act.

(*4*) When a Civil Court has passed final orders or a decree under this section it shall notify the same to the Collector.

Notification of order under section 27 or section 29 to be conclusive evidence.

35. A notification in the *Official Gazette* of any order under section 27 or of an order under section 29 shall be conclusive evidence that the order has been duly made.

Presumption of rents settled under sections 30 to 33

36. Subject to the provisions of section 34, all rents entered in a settlement rent roll confirmed under section 32 or settled under section 33 shall be deemed to have been correctly settled and to be fair and equitable rents within the meaning of this Act.

Correction of settlement rent-roll.

37. The Revenue-officer may at any time correct any *bona fide* clerical mistake in or omission from the settlement rent-roll and shall make such alterations in the same as may be necessary to give effect to any decision under sub-section (*1*) of section 33 or section 34.

Settlement of rents in respect of non-agricultural lands by Revenue-officers in the case where a settlement of land revenue is not being or is not about to be made.

38. Where an order has been made under section 27 for the preparation of a record-of-rights in respect of all non-agricultural lands in any local area, estate or tenure or part thereof of which a settlement of land revenue is not being made or is not about to be made, the Revenue-officer shall, in settling the rents of such non-agricultural lands under sections 105 and 105A of the Bengal Tenancy Act, 1885, have regard to the provisions of this Act as to the determination of a fair and equitable rent and to such rules as may be made in this behalf under this Act. VIII of 1885

Stay of proceedings in Civil Court during preparation of record-of-rights under section 27.

39. When an order has been made under section 27, directing the preparation of a record-of-rights, then, subject to the provisions of section 34, a Civil Court shall not, —

(*a*) where a settlement of land revenue is being or is about to be made—until after the final publication of the record-of-rights, and

(*b*) where a settlement of land revenue is not being made or is not about to be made—until four months after the final publication of the record-of-rights,

entertain any suit or application for the alteration of the rent or the determination of the status of any non-agricultural tenant in the area to which the record-of-rights applies.

Date from which settled rents take effect.

40. When a rent is settled by a Revenue-officer under this Chapter or under Chapter X of the Bengal Tenancy Act, 1885, after an order under section 27 has been made, such rent shall take effect from such date as may be fixed by the Revenue-officer. VIII of 1885.

Period for which rents as settled are to remain unaltered.

41. (*1*) When the rent of the non-agricultural land comprised in a tenancy is settled under this Chapter, or under Chapter X of the Bengal Tenancy Act, 1885, after an order under section 27 has been made, it shall not, except on the ground of a landlord's improvement or of a subsequent alteration in the area of such land, be enhanced, in the case where such land is held by a tenant or by an under-tenant having under section 22 the rights and liabilities of a tenant, for fifteen years, and in the case where such land is held by an under-tenant having no such rights and liabilities, for five years ; and no such rent shall be reduced within the period aforesaid save on the ground of alteration in the area of the non-agricultural land comprised within the tenancy.

(*2*) The said periods of fifteen years and five years shall be counted from the date on which the rent settled takes effect under this Chapter.

Interpretation.

42. In this Chapter—

(*a*) "Revenue-officer" includes any officer whom the Provincial Government may appoint to discharge all or any of the functions of a Revenue-officer under that Chapter ;

(*b*) the term "settlement of land-revenue" includes a settlement of rent in an estate or tenure which belongs to the Crown.

CHAPTER VII.

General Provisions as to rent of non-agricultural tenancies.

Payment of rent.

Rent to be paid yearly.

43. Subject to agreement, a money-rent payable by a non-agricultural tenant shall be paid yearly according to the Bengali year and shall fall due on the last day of the Bengali year in respect of which it is paid.

Time and place for payment of rent.

44. (*1*) Every non-agricultural tenant shall pay or tender the yearly rent before sunset of the day on which it falls due :

Provided that the non-agricultural tenant may pay or tender the rent payable for the year at any time during the year before it falls due.

(*2*) The payment or tender of rent may be made—

(*i*) at the landlord's local office or at such other convenient place as may be appointed in that behalf by the landlord ; or

(*ii*) by postal money-order in the manner prescribed.

A tender may also be made by depositing the rent in Court in accordance with the provisions of section 51.

(*3*) Where rent is sent by postal money-order in the manner prescribed, the Court may presume until the contrary is proved that a tender has been made.

(*4*) When a landlord accepts rent sent by postal money-order, the fact of this acceptance shall not be used in any way as evidence that he has admitted as correct any of the particulars set forth in the postal money-order form.

(*5*) Any yearly rent or part of any yearly rent not duly paid at or before the time when it falls due shall be deemed to be an arrear.

Appropriation of payments.

45. (*1*) When a non-agricultural tenant makes a payment on account of rent, he may declare the year or years in respect of which he wishes the payment to be credited, and the payment shall be credited accordingly.

(*2*) If he does not make any such declaration, the payment may be credited to the account of such year or years as the landlord thinks fit.

The West Bengal Non-Agricultural Tenancy Bill, 1948.

(Chapter VII—General Provisions as to rent of non-agricultural tenancies.—Clauses 46—48.)

Receipts and accounts.

Non-agricultural tenant making payment to his landlord entitled to a receipt.

46. (*1*) Every non-agricultural tenant who makes a payment on account of rent to his landlord shall be entitled to obtain forthwith a written receipt for such payment either from such landlord, or, where the agent of such landlord has been authorised in writing by such landlord to issue and sign such receipts on behalf of such landlord, from such agent.

(*2*) The landlord or such agent, as the case may be, shall prepare and retain a counterfoil of the receipt.

(*3*) The receipt and counterfoil shall be in such form and shall specify such particulars as may be prescribed either generally or for any particular local area or class of cases.

(*4*) If a receipt does not contain substantially the particulars required by this section, it shall be presumed, until the contrary is shown, to be an acquittance in full of all demands for rent up to the date on which the receipt was given.

Non-agricultural tenant entitled to full discharge or statement of account at close of year.

47. (*1*) Where a landlord admits that all rent payable by a non-agricultural tenant to the end of the Bengali year has been paid, the non-agricultural tenant shall be entitled to receive free of charge, within three months after the end of the year, a receipt in full discharge of all rent falling due to the end of the year, either from the landlord, or, where the agent of such landlord has been authorised in writing to issue and sign such receipts on behalf of such landlord, from such agent.

(*2*) Where the landlord does not so admit, the non-agricultural tenant shall be entitled, on paying a fee of four annas, to receive, within three months after the end of the year, a statement of account in such form and specifying such particulars as may be prescribed either generally or for any particular local area or class of cases.

(*3*) The landlord or such agent, as the case may be, shall prepare and retain a copy of the statement containing similar particulars.

Penalties and fine for withholding receipts and statements of account and failing to keep counterparts.

48. (*1*) If a landlord or his agent without reasonable cause refuses or neglects to deliver to a non-agricultural tenant a receipt in accordance with the provisions of section 46 for any rent paid by the non-agricultural tenant, such tenant may, within three months from the date of payment, institute a suit to recover from such landlord or agent, as the case may be, such penalty, not exceeding double the amount or value of that rent, as the Court thinks fit.

(*2*) If a landlord or his agent without reasonable cause refuses or neglects to deliver to a non-agricultural tenant demanding the same either the receipt in full discharge or, if the non-agricultural tenant is not entitled to such a receipt, the statement of account for any year required by section 47 such tenant may, within the next ensuing Bengali year, institute a suit to recover from such landlord or agent as the case may be, such penalty as the Court thinks fit, not exceeding double the aggregate amount or value of all rent paid by such tenant to the landlord during the year for which the receipt or account should have been delivered.

(*3*) If a landlord or his agent, without reasonable cause, fails to deliver to the non-agricultural tenant a receipt or statement or to prepare and retain a counterfoil or copy of a receipt or statement, as required by either of the said sections, such landlord or agent, as the case may be, shall be liable to a fine not exceeding fifty rupees, to be imposed, after summary inquiry, by the Collector.

(*4*) The Collector may hold a summary inquiry under sub-section (*3*), either on information received from a Revenue-officer within one year, or upon complaint of the party aggrieved made within three months, from the date of failure, or upon the report of a Civil Court.

(*5*) Where, in any case instituted under sub-section (*3*), the Collector discharges any landlord or agent, and is satisfied that the complaint of the non-agricultural tenant on which the proceedings were instituted is false or vexatious, the Collector may, in his discretion, by his order of discharge, direct the non-agricultural tenant to pay to such landlord or agent such compensation, not exceeding fifty rupees, as the Collector thinks fit.

(6) An appeal shall lie to the Commissioner of the Division against any order of the Collector imposing a fine under sub-section (3) or awarding compensation under sub-section (5); and the order passed by the Commissioner on such appeal shall, subject to any order which may be passed on revision by the Board of Revenue, be final.

(7) Any fine imposed or compensation awarded under this section may be recovered in the manner provided by any law for the time being in force for the recovery of a public demand.

(8) For the purpose of an inquiry under this section the Collector shall have power to summon and enforce the attendance of witnesses, and compel the production of documents in the same manner as is provided in the case of a Court under the Code of Civil Procedure, 1908 Act V of 1908.

(9) The existence of a dispute as to the rent or area of a tenancy on account of which rent is paid shall not be deemed to be a reasonable cause for refusing, neglecting or otherwise failing to deliver—

(a) a receipt for any amount actually paid on account of rent, or

(b) the statement of account required by section 47,

and the refusal of the non-agricultural tenant to accept the receipt shall not be deemed to be a reasonable cause for failing to prepare and retain a counterfoil of such receipt as required by section 46.

Provincial Government to prepare forms of receipt and account

49. (1) The Provincial Government shall cause to be prepared and kept for sale to landlords at all subdivisional offices forms of receipts with counterfoils and of statements of account suitable for use under sections 46 and 47.

(2) The forms may be sold in books with the leaves consecutively numbered or otherwise as the Provincial Government thinks fit.

Effect of receipt by registered proprietor manager or mortgagee

50. Where rent is due to the proprietor, manager or mortgagee of an estate the receipt of the person registered under the Land Registration Act, 1876, as proprietor, manager or mortgagee of that estate or of his agent authorised in that behalf, shall be a sufficient discharge for the rent, and the non-agricultural tenant liable for the rent shall not be entitled to plead in defence to a claim by the person so registered that the rent is due to any third person:

Bom. Act VII of 1876

Provided that nothing in this section shall affect any remedy which any such third person may have against the registered proprietor, manager or mortgagee.

Deposit of rent.

Application to deposit rent in Court

51. (1) In any of the following cases, namely:—

(a) when a non-agricultural tenant tenders money on account of rent and the landlord refuses to receive it or refuses to grant a receipt for it;

(b) when a non-agricultural tenant bound to pay money on account of rent has reason to believe, owing to a tender having been refused or a receipt withheld on a previous occasion, that the person to whom his rent is payable will not be willing to receive it and to grant him a receipt for it;

(c) when the rent is payable to co-sharers jointly and the non-agricultural tenant is unable to obtain the joint receipt of the co-sharers for the money and no person has been empowered to receive the rent on their behalf; or

(d) when the non-agricultural tenant entertains a *bona fide* doubt as to who is entitled to receive the rent,

the non-agricultural tenant may present to the Court having jurisdiction to entertain a suit for the rent of his tenancy an application in writing for permission to deposit in the Court a sum not less than the amount of the money then due.

(*2*) The application shall—

(*a*) contain a statement of the grounds on which it is made ;

(*b*) state—

(*i*) in the cases referred to in clauses (*a*) and (*b*) of sub-section (*1*) the name of the person to whose credit the deposit is to be entered,

(*ii*) in the case referred to in clause (*c*) of that sub-section, the names of the co-sharers to whom the rent is due, or of so many of them as the non-agricultural tenant may be able to specify, and

(*iii*) in the case referred to in clause (*d*) of that sub-section, the names of the person to whom the rent was last paid and of the person or persons now claiming it ;

(*c*) be signed and verified in the manner provided in sub-rules (*2*) and (*3*) of rule 15 of Order VI in Schedule I to the Code of Civil Procedure, 1908, by the non-agricultural tenant, or, where he is not personally cognizant of the facts of the case, by some person so cognizant ; and Act V of 1908.

(*d*) be accompanied, in the cases referred to in clauses (*a*) and (*b*) of sub-section (*1*) by the prescribed cost of transmission of the money deposited to the landlord and in the cases referred to in clauses (*c*) and (*d*) of that sub-section by a fee of the prescribed amount.

Receipt granted by Court for rent deposited to be a valid acquittance.

52. (*1*) If it appears to the Court to which an application is made under section 51 that the applicant is entitled under that section to deposit the rent, it shall receive the rent and give a receipt for it under the seal of the Court.

(*2*) A receipt given under this section shall operate as an acquittance for the amount of the rent payable by the non-agricultural tenant and deposited as aforesaid in the same manner and to the same extent as if that amount of rent had been received—

in the cases referred to in clauses (*a*) and (*b*) of sub-section (*1*) of section 51 by the person specified in the application as the person to whose credit the deposit was to be entered ;

in the case referred to in clause (*c*) of that sub-section, by the co-sharers to whom the rent is due ; and

in the case referred to in clause (*d*) of that sub-section, by the person entitled to the rent.

Procedure for payment to the landlord of rent deposited.

53. The Court receiving a deposit—

(*i*) in the case referred to in clause (*a*) or in clause (*b*) of sub-section (*1*) of section 51 shall forthwith forward the same by postal money-order to the address of the landlord , and

(*ii*) in the case referred to in clause (*c*) or in clause (*d*) of that sub-section shall forthwith cause to be affixed in a conspicuous place at the Court-house a notification of the receipt thereof containing a statement of all material particulars, and, if the amount of the deposit is not paid away under section 54 within the period of fifteen days next following the date on which the notification is so affixed, the Court shall forthwith in the case referred to in clause (*c*) of that sub-section cause a notice of the receipt of the deposit to be posted free of charge at the landlord's local office, if any, and in some conspicuous place in the village or town in which the non-agricultural land comprised within the tenancy or any portion thereof is situated, and in the case referred to in clause (*d*) of that sub-section cause a like notice to be served free of charge on every person who it has reason to believe claims, or is entitled to, the deposit.

Payment or refund of deposit.

54. (*1*) The Court may pay the amount of the deposit notified under section 53 to any person appearing to it to be entitled to the same, or may, if it thinks fit, retain the amount pending the decision of a Civil Court as to the person so entitled.

(*2*) If no payment is made under clause (*i*) of section 53 or under sub-section (*1*) before the expiration of three years from the date on which a deposit is made, the amount deposited may, in the absence of any order of a Civil Court to the contrary, be repaid to the depositor upon his application and on his returning the receipt given by the Court with which the rent was deposited.

(*3*) No suit or other proceeding shall be instituted against the Crown or against any officer of the Crown, in respect of anything done by a Court receiving a deposit under section 52 but nothing in this section shall prevent any person entitled to receive the amount of any such deposit from recovering the same from a person to whom it has been paid under this section.

Penalty for refusing to receive rent.

Penalty for refusing to receive rent tendered by postal money-order or deposited.

55. If a landlord or his agent refuses without reasonable cause to receive payment of rent remitted by postal money-order or deposited in Court, the landlord shall be precluded from recovering, by suit, interest, costs or damages in respect of the same, and the Court may in addition award to the non-agricultural tenant damages not exceeding twelve and a half *per centum* on the whole amount claimed by the plaintiff.

The plea of the existence of any dispute as to the amount of rent of or the area of the land comprised in the tenancy shall not be deemed to be a reasonable cause under this section .

Provided that, when a landlord accepts rent, which has been deposited, or remitted by postal money-order, the fact of his acceptance shall not be used in any way as evidence that he has admitted as correct any of the particulars set forth in the application for permission to deposit or in the postal money-order form.

Arrears of rent.

Liability to sale for arrears.

56. A non-agricultural tenant shall not be liable to ejectment for arrears of rent, but his tenancy shall be liable to sale in execution of a decree for the rent thereof, and the rent shall be a first charge thereon.

Interest on arrears.

57. (*1*) An arrear of rent shall bear simple interest at the rate of six and a quarter *per centum per annum* from the expiration of the Bengali year in which the rent falls due to the date of payment or of the institution of the suit, whichever date is earlier.

(*2*) Nothing in any contract between a landlord and a non-agricultural tenant made before or after the commencement of this Act shall affect the provisions of sub-section (*1*) relating to interest payable on arrears of rent.

Power to award damages on rent withheld without reasonable cause, or to defendant improperly sued for rent.

58. (*1*) If, in any suit brought for the recovery of arrears of rent, it appears to the Court that the defendant has, without reasonable or probable cause, neglected or refused to pay the amount of rent due by him, the Court may award to the plaintiff, in addition to the amount decreed for rent and costs, such damages, not exceeding twelve and a half *per centum* on the amount of rent decreed, as it thinks fit :

Provided that interest shall not be decreed when damages are awarded under this section :

Provided also that where damages are awarded—

(*i*) the amount of such damages shall not be less than the interest accruing up to the date of the institution of the suit, and

(*ii*) interest on the arrear may be awarded from the date of the institution of the suit up to the date of payment at such rate as the Court directs.

(2) If, in any suit brought for the recovery of arrears of rent, it appears to the Court that the plaintiff has instituted the suit without reasonable or probable cause, the Court may award to the defendant, by way of damages, such sum, not exceeding twelve and a half *per centum* on the whole amount claimed by the plaintiff, as it thinks fit.

Liability for rent on change of landlord or after transfer of tenancy.

Non-agricultural tenant not liable to transferee of landlord's interest for rent paid to former landlord without notice of the transfer.

59. (1) A non-agricultural tenant shall not, when his landlord's interest is transferred, be liable to the transferee for rent which became due after the transfer and was paid to the landlord whose interest was so transferred, unless the transferee has before the payment given notice of the transfer to the non-agricultural tenant.

(2) Where there is more than one non-agricultural tenant paying rent to the landlord whose interest is transferred, a general notice from the transferee to the non-agricultural tenants published in the prescribed manner shall be a sufficient notice for the purposes of this section.

Liability for rent before transfer of tenancies.

60. When a non-agricultural tenant transfers his tenancy in whole or in part, the transferor and transferee shall be jointly and severally liable to the landlord for arrears of rent due before the transfer:

Provided that the transferor shall not be liable to the landlord for such arrears of rent if the transferee has agreed to pay such arrears to the landlord and the fact has been mentioned in the instrument of transfer.

Illegal impositions.

Abwab, etc., illegal.

61. All impositions upon non-agricultural tenants under the denomination of *abwab*, *mathat* or other like appellations, in addition to the actual rent, shall be illegal, and all stipulations and reservations for the payment of such shall be void.

Fine for realisation of *abwab*, etc.

62. (1) If a landlord or his agent realises from a non-agricultural tenant any imposition declared under section 61 to be illegal, such landlord or agent, as the case may be, shall be liable to the same fine, to be imposed in the same manner, as in sub-section (3) of section 48, and the provisions of sub-sections (4), (7) and (8) of the said section relating to inquiry, fine and procedure shall, *mutatis mutandis* and so far as may be, apply to proceedings under this section.

(2) An appeal shall lie to the District Judge against an order imposing a fine under this section, and the order passed by the District Judge on such appeal shall be final.

(3) The imposition of a fine on a landlord or landlord's agent under this section shall not operate as a bar to the institution of a suit under section 63.

Penalty for exaction by landlord from non-agricultural tenant of sum in excess of the rent payable.

63. Every non-agricultural tenant from whom, except under any special enactment for the time being in force, any sum of money is exacted by his landlord in excess of the rent or interest lawfully payable, may, within six months from the date of the exaction, institute a suit to recover from the landlord, in addition to the amount so exacted, such sum by way of penalty as the Court thinks fit, not exceeding two hundred rupees; or, when double the amount so exacted exceeds two hundred rupees, not exceeding double that amount.

CHAPTER VIII.

IMPROVEMENTS.

Definition of "improvement."

64. For the purposes of this Act the term "improvement" used with reference to a tenancy shall mean any work which adds to the value of the non-agricultural land comprised in the tenancy, which is suitable to such land and consistent with any of the purposes specified in section 4 for which it is being used and which, if not executed on such land, is either executed

directly for its benefit, or is, after execution, made directly beneficial to it, and subject to the foregoing provisions, shall include the following, namely :—

(*a*) laying out of passages or roads,

(*b*) providing open spaces for ventilation,

(*c*) providing facilities for taking water,

(*d*) laying out drainage connections,

but shall not include any work executed by a non-agricultural tenant if it substantially diminishes the value of his landlord's property.

Rights to make improvements.

65. (*1*) Subject to the provisions of sub-section (*2*), neither the non-agricultural tenant nor his landlord shall, as such, be entitled to prevent the other from making an improvement in respect of the tenancy.

(*2*) If both the non-agricultural tenant and his landlord wish to make the same improvement the non-agricultural tenant shall have the prior right to make it, unless it affects another tenancy or other tenancies under the same landlord.

(*3*) Any fee realised from a non-agricultural tenant for permission to make any improvement in respect of his tenancy shall be deemed to be an *abwab* and the provisions of section 61 shall apply thereto.

Collector to decide question as to right to make improvement, etc.

66. (*1*) If a question arises between the non-agricultural tenant and his landlord —

(*a*) as to the right to make an improvement, or

(*b*) as to whether a particular work is an improvement,

the Collector may, on the application of either party, decide the question.

(*2*) An appeal, if presented within thirty days from the date of the order appealed against, shall lie to the District Judge from every order passed by the Collector under sub-section (*1*) and the order passed by the District Judge on such appeal shall be final.

Registration of landlord's improvements.

67. (*1*) A landlord may, by application to such Revenue-officer as the Provincial Government may appoint in this behalf, register any improvement which he has lawfully made or which has been lawfully made wholly or partly at his expense or which he has assisted a non-agricultural tenant in making.

(*2*) Every such application shall be in the prescribed form and shall contain such particulars and shall be verified in such manner, by local enquiry or otherwise, as may be prescribed.

(*3*) The Revenue-officer receiving the application may reject it if it has not been made within twelve months,—

(*a*) in the case of improvements made before the commencement of this Act, from the commencement of this Act ; and

(*b*) in the case of improvements made after the commencement of this Act, from the date of the completion of the work.

Application to record evidence as to improvement.

68. (*1*) If any non-agricultural tenant holding any non-agricultural land or his landlord desires that evidence relating to any improvement made in respect thereof be recorded, he may apply to the Revenue-officer to whom an application for the registration of such improvement may be made under sub-section (*1*) of section 67 and such Revenue-officer shall thereupon, at a time and place of which notice shall be given to the parties, record the evidence :

Provided that such Revenue-officer shall not so record the evidence if he considers that there were no reasonable grounds for the making of the application, or if it appears to him that the subject-matter thereof is under inquiry in a Civil Court.

(*2*) When any matter has been recorded under this section, the record thereof shall be admissible in evidence in every subsequent proceeding between the landlord and the non-agricultural tenant or any persons claiming under them.

The West Bengal Non-Agricultural Tenancy Bill, 1948.

(Chapter IX—Other incidents of non-agricultural tenancies — Chapter X—Conversion of agricultural lands into non-agricultural tenancies.—Clauses 69—72.)

CHAPTER IX.

OTHER INCIDENTS OF NON-AGRICULTURAL TENANCIES.

Eviction of non-agricultural tenants holding tenancies conditional upon employment in industrial concerns.

69. Where a tenancy is held by a non-agricultural tenant subject to the condition of employment in any industrial concern, such tenant shall, notwithstanding anything elsewhere contained in this Act, be liable to be ejected from the land comprised in such tenancy on the termination of such employment.

No ejectment except in execution of decree.

70. No non-agricultural tenant shall be ejected from the tenancy or from any non-agricultural land which he holds except in execution of a decree of a competent Civil Court

Application of the Transfer of Property Act, 1882, or other law.

71. The provisions of the Transfer of Property Act, 1882, and of any other law for the time being in force, in so far as they may be applicable and in so far as they are not inconsistent with the provisions of this Act, shall continue to apply to all tenancies to which the provisions of this Act apply. IV of 1882.

CHAPTER X.

CONVERSION OF AGRICULTURAL LANDS INTO NON-AGRICULTURAL TENANCIES.

Conversion of agricultural lands into non-agricultural tenancies in certain cases.

72. (*1*) A tenant holding any land not being non-agricultural land which is situated within any area to which this Act extends or his landlord, may apply to the Collector for the conversion of such land into a tenancy to which the provisions of this Act apply and, on receipt of such application, the Collector shall, by order in writing, direct such conversion subject to payment of such rent not exceeding twice the rent for the time being payable for such land, as the Collector may fix :

Provided that no landlord shall be entitled to apply under this sub-section for such conversion of any land except in the case where such land is being used by the tenant by whom it is held for any purpose not connected with agriculture or horticulture without the express or implied consent of the landlord :

Provided further that no order under this sub-section shall be passed without notice, the prescribed process fee for which shall accompany the application,—

(*i*) in the case where such application is made by a tenant, to the landlord or the entire body of landlords and to the co-sharer tenants, if any, and

(*ii*) in the case where such application is made by a landlord, to the co-sharer landlords, if any, and to the tenant or if there be more than one tenant to all such tenants.

(*2*) Every order passed under sub-section (*1*) directing the conversion of any land which is not non-agricultural land into a tenancy to which the provisions of this Act apply shall state the date from which such conversion shall have effect and shall specify the rent which shall be payable in respect of the tenancy into which such land is converted and the rent so specified shall not be enhanced during a period of not less than fifteen years from the date of such order.

(*3*) An appeal shall lie to the Commissioner of the Division from any order of the Collector under this section if it is presented within thirty days from the date of such order and is accompanied by the prescribed fee and the decision of the Commissioner on such appeal shall be final.

(*4*) Notwithstanding anything contained in any other law for the time being in force or in any contract, where any land which is not non-agricultural land is converted into a tenancy to which the provisions of this Act apply by an order under this section such land shall with effect from the date on which such conversion takes effect become non-agricultural land and the non-agricultural tenant of such land shall for the purposes of this Act be deemed to have held it as such a tenancy with effect from the date on which such tenant or his predecessor in interest was first inducted into the land.

CHAPTER XI.

JUDICIAL PROCEDURE.

Regard to be had by Civil Courts to entries in record-of-rights.

73. In all areas for which a record-of-rights has been prepared in pursuance of an order made under section 27 and finally published, a Civil Court shall, in all suits between landlord and non-agricultural tenant as such, have regard to the entries in such record-of-rights relating to the subject-matter in dispute which may be produced before it, unless such entries have been proved by evidence to be incorrect; and, when a Civil Court passes a decree at variance with such entries, it shall record its reasons for so doing.

Execution of decrees for arrears of rent by assignees of such decrees.

74. Notwithstanding anything contained in rule 16 of Order XXI in Schedule 1 to the Code of Civil Procedure, 1908, an application for the execution of a decree for arrears in respect of any non-agricultural land obtained by a landlord shall not be made by an assignee of the decree unless the landlord's interest in the non-agricultural land has become and is vested in him. Act V of 1908.

Relief against forfeitures in certain cases.

75. A suit for the ejectment of a non-agricultural tenant, on the ground that he has used the non-agricultural land in a manner which renders it unfit for use for the purposes of the tenancy shall not be entertained unless the landlord has served in the prescribed manner, a notice in writing on the non-agricultural tenant—

(*i*) specifying the particular misuse complained of; and

(*ii*) if the misuse is capable of remedy, requiring the tenant to remedy the same,

and unless the tenant has, where the misuse is capable of remedy, failed within a reasonable time from the date of the service of the notice to remedy the misuse.

Protection of the interest of an under-tenant having the rights and liabilities of a tenant in case of sale for arrears of rent.

76. Where the interest of a non-agricultural tenant in any non-agricultural land is sold in execution of a decree or of a certificate signed under the Bengal Public Demands Recovery Act, 1913, for arrears of rent due in respect of such land, the purchaser shall take free from all encumbrances which may have been created by such non-agricultural tenant or his predecessor in interest and is subsisting immediately before the purchase takes effect, but subject to the interest of any under-tenant having under section 22 the rights and liabilities of a tenant. Ben. Act III of 1913.

Delivery of possession of land sold for arrears of rent which has any structure erected on it by a non-agricultural tenant.

77. Where a non-agricultural tenant or his predecessor in interest has erected any structure on any non-agricultural land held by such tenant and such land is sold in execution of a decree or of a certificate signed under the Bengal Public Demands Recovery Act, 1913, for arrears of rent due in respect of such land, the purchaser shall be entitled to obtain delivery of possession of the land sold by the removal of such structure:

Provided that the judgment-debtor shall be allowed reasonable time by the Court to remove such structure from the property sold before the possession of such property is delivered to the purchaser:

Provided further that it shall be open to the purchaser to obtain possession of such land together with such structure on payment of such compensation for the value of such structure to the judgment-debtor as may be agreed upon between the purchaser and the judgment-debtor or, in the case where they do not agree, as may be determined by the Court on application by the purchaser, and, on payment of such compensation, the interest of the judgment-debtor in such structure shall vest absolutely in the purchaser.

Purchase of non-agricultural tenancy in execution of a decree for arrears of rent to take effect from the date of confirmation of the sale.

78. Notwithstanding anything contained in the Code of Civil Procedure, 1908, whenever the interest of any non-agricultural tenant in any non-agricultural land is sold in execution of a decree for arrears of rent, and the sale confirmed, the purchase shall take effect from the date of confirmation of the sale. Act V of 1908.

The West Bengal Non-Agricultural Tenancy Bill, 1948

(Chapter XI—Judicial Procedure.—Clauses 79- 81.)

Rules for disposal of sale proceeds.

79. (*1*) In disposing of the proceeds of a sale of the interest of a non-agricultural tenant in any non-agricultural land in execution of a decree for arrears of rent the following rules instead of those contained in section 73 of the Code of Civil Procedure, 1908, shall be observed, that is to say— Act V of 1908.

(*a*) there shall first be paid to the decree-holder the costs incurred by him in bringing the tenancy to sale ;

(*b*) there shall, in the next place, be paid to the decree-holder the amount due to him under the decree in execution of which the sale was made ;

(*c*) if there remains a balance after these sums have been paid, there shall be paid to the decree-holder therefrom the costs of the application made under this section and any rent which may have fallen due to him in respect of the tenancy between the institution of the suit and the date of the confirmation of the sale ;

(*d*) the balance (if any) remaining after the payment of the rent mentioned in clause (*c*) shall, upon the expiration of two months from the confirmation of the sale, be paid to the judgment-debtor upon his application unless the Court, for reasons to be recorded in writing, otherwise directs.

(*2*) If the judgment-debtor disputes the decree-holder's right to receive any sum on account of rent under clause (*c*) of sub-section (*1*), the Court shall determine the dispute, and the determination shall have the force of a decree.

Release from attachment of non-agricultural tenancies on payment into Court of the amount of decree or on confession of satisfaction by the decree holder.

80. (*1*) The provisions of rules 58 to 63 (both inclusive) of Order XXI in Schedule I to the Code of Civil Procedure, 1908, shall not apply to the interest of any non-agricultural tenant in any non-agricultural land attached in execution of a decree for arrears due thereon.

(*2*) When an order for the sale of the interest of any non-agricultural tenant in any non-agricultural land in execution of such a decree has been made, the interest of such non-agricultural tenant in such land shall not be released from attachment unless, before it is knocked down to the auction-purchaser, the amount of the decree including the costs decreed together with the costs incurred in bringing such interest to sale is paid into Court, or the decree-holder makes an application for the release of such interest from such attachment on the ground that the decree has been satisfied out of Court.

(*3*) The judgment-debtor or any person whose interests are affected by the sale may pay money into Court under this section.

Amount paid into Court to prevent sale to be a mortgage-debt on the tenancy in certain cases.

81. (*1*) When any person whose interests are affected by the sale of a tenancy of a non-agricultural tenant advertised for sale in execution of a decree for arrears of rent due in respect thereof or in execution of a certificate for arrears of rent due in respect thereof signed under the Bengal Public Demands Recovery Act, 1913, pays into the Court the amount requisite to prevent the sale— Ben. Act III of 1913.

(*a*) the amount so paid by him shall be deemed to be a debt bearing interest at six and a quarter *per centum per annum* and secured by a mortgage of such tenancy to him ;

(*b*) his mortgage shall take priority over every other charge on such tenancy other than a charge for arrears of rent ; and

(*c*) he shall be entitled to possession of the tenancy as mortgagee of the non-agricultural tenant, and to retain possession of it as such until the debt, with the interest due thereon, has been discharged.

(*2*) Nothing in this section shall affect any other remedy to which any such person would be entitled.

Inferior tenant paying into Court may deduct from rent.

82. When a tenancy to which the provisions of this Act apply is advertised for sale —

(*a*) in execution of a decree for arrears of rent due in respect of such tenancy from a superior non-agricultural tenant defaulting, or

(*b*) in execution of a certificate signed under the Bengal Public Demands Recovery Act, 1913, for arrears of rent due in respect of such tenancy from a superior non-agricultural tenant defaulting,

or when such sale is set aside under rule 89 of Order XXI in Schedule I to the Code of Civil Procedure, 1908, and an inferior non-agricultural tenant pays money into Court in order to prevent or set aside the sale, as the case may be, such inferior non-agricultural tenant may, in addition to any other remedy provided for him by law, deduct the whole or any portion of the amount so paid from any rent payable by him to his immediate landlord, and that landlord, if he is not the defaulter, may, in like manner, deduct the amount so deducted from any rent payable by him to his immediate landlord, and so on until the defaulter is reached. Act V of 1908.

Decree-holder may bid at sale, judgment-debtor may not.

83. (*1*) Notwithstanding anything contained in rule 72 of Order XXI in Schedule I to the Code of Civil Procedure, 1908, the holder of a decree for arrears of rent in respect of a tenancy of a non-agricultural tenant in execution of which such tenancy is sold may, without the permission of the Court, bid for or purchase the tenancy.

(*2*) The judgment-debtor shall not bid for or purchase a tenancy so sold.

(*3*) When a judgment-debtor purchases by himself or through another person a tenancy so sold, the Court may, if it thinks fit, on the application of the decree-holder or any other person interested in the sale, by order set aside the sale, and the costs of the application and order and any deficiency of price which may happen on the resale, and all expenses attending it shall be paid by the judgment-debtor.

Meaning of "arrears" and "arrears of rent".

84. For the purposes of this Chapter the terms "arrears" and "arrears of rent" shall be deemed to include interest decreed under section 57 or damages awarded in lieu of interest under sub-section (*1*) of section 58.

CHAPTER XII.

MISCELLANEOUS.

Bar to application of Act to certain lands and to certain leases.

85. Nothing in this Act shall apply to—

(*a*) any land vested in, or in the possession of—

(*i*) a port authority of a major port, or

(*ii*) a railway administration, or

(*iii*) any local authority, or

(*b*) any lease in respect of any forest-rights or rights over fisheries or rights to minerals in any non-agricultural land, or

(*c*) any land acquired under the Land Acquisition Act, 1894, for the use of any Department of Government which is for the time being held by the Revenue Authorities on behalf of that Department, or I of 1894.

(*d*) any land which is required for carrying out any of the provisions of the Calcutta Improvement Act, 1911. Ben. Act V of 1911.

Certain contracts not to affect the provisions of the Act.

86. Nothing in any contract between a landlord and a non-agricultural tenant made after the commencement of this Act shall take away or limit the rights of such tenant as provided for by this Act, and any contract which is made in contravention of the provisions of this section or which is inconsistent with, or purports to alter the effect of, any of

the provisions of this Act, shall, to the extent of such contravention or inconsistency or to the extent it purports to alter such effect, be void and without effect.

Jurisdiction in proceedings under this Act.

87. When under this Act a Court is authorised to make an order on the application of a landlord or a non-agricultural tenant, the application shall be made to the Civil Court which would have jurisdiction to entertain a suit for possession of the non-agricultural land comprised in the tenancy in connection with which the application is made.

Application.

88. The provisions of this Act shall have effect in respect of all suits, appeals or proceedings including proceedings in execution for ejectment of a non-agricultural tenant which are pending at the date of commencement of this Act.

Saving of limitation.

89. In computing the period provided by any law for the time being in force for the execution of a decree for ejectment which was stayed under the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940, or for the institution of a suit for the ejectment of a non-agricultural tenant, the period during which the said Act continued in force shall be excluded.

Ben. Act IX of 1940.

Repeal of Bengal Act XIX of 1936 and Bengal Act IX of 1940.

90. (*1*) The Bengal Non-Agricultural Lands Assessment Act, 1936, and the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940, are hereby repealed.

Ben. Act XIX of 1936.
Ben. Act IX of 1940.

(*2*) All rents settled, records-of-rights or rent-rolls prepared, orders or notifications issued, suits or other proceedings instituted and other things duly done under the Bengal Non-Agricultural Lands Assessment Act, 1936, shall, in so far as they are consistent with the provisions of this Act, be deemed to have been respectively settled, prepared, issued, instituted or done hereunder.

Rules.

91. (*1*) The Provincial Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the manner in which the landlord or the tenant may apply to the Court under sub-section (*2*) of section 8 ;

(*b*) the determination of a fair and equitable rent referred to in sub-section (*3*) of section 11;

(*c*) the limit of enhancement of rent referred to in sub-section (*1*) of section 19 and the manner of determination of rent referred to in sub-section (*2*) of that section ;

(*d*) the forms of the notices and the amount of the process fees referred to in section 23 ;

(*e*) the manner of making a survey and preparing a record-of-rights in pursuance of an order under section 27 and the procedure to be followed and the powers to be exercised by Revenue-officers when an order under the said section is made ;

(*f*) the form of a settlement rent-roll referred to in section 29, the manner of preparing the same and the particulars to be specified therein ;

(*g*) the division of a tenancy and the apportionment of the rent under clause (*b*) of section 30 ;

(*h*) the manner and period of publication of a draft settlement rent-roll under sub-section (*1*) of section 31 and the disposal of objections under that sub-section ;

(*i*) the Revenue authority referred to in sub-section (*1*) of section 32 ;

(*j*) the publication of the date of confirmation of a settlement rent-roll under sub-section (*3*) of section 32 and the place and times of inspection

The West Bengal Non-Agricultural Tenancy Bill, 1948.

(Chapter XII—Miscellaneous.—Clause 91.)

(*k*) the Revenue authority referred to in sub-section (*1*) of section 33, the manner of presentation of appeals to such authority and the Board of Revenue and the periods within which such appeals shall be presented under the said sub-section ;

(*l*) the settlement of rents referred to in section 38 ;

(*m*) the manner of payment or tender of rent by postal money-order under section 44 ;

(*n*) the forms to be used generally or for any particular local area or class of cases for the receipt and counterfoil referred to in section 46 and for the statement of account referred to in sub-section (*2*) of section 47 and the particulars to be specified in such receipt, counterfoil and statement ;

(*o*) the cost of transmission of the money deposited in the cases referred to in clauses (*a*) and (*b*) of sub-section (*1*) of section 51 and the amount of the fee referred to in clause (*d*) of sub-section (*2*) of that section ;

(*p*) the manner of publication of the general notice referred to in sub-section (*2*) of section 59 ;

(*q*) the form of, the particulars to be contained in, and the manner of verification of, applications referred to in sub-section (*2*) of section 67 ;

(*r*) the amount of process fee referred to in the second proviso to sub-section (*1*) of section 72 and the amount of fee referred to in sub-section (*3*) of that section ;

(*s*) the manner of service of notice issued under this Act where the mode of such service is not provided in this Act.

STATEMENT OF OBJECTS AND REASONS.

With the rapid growth of town population, there has been an insistent demand specially since 1937 for a legislative measure regulating the rights and interests of non-agricultural tenants. At present the tenants in urban areas enjoy no statutory rights. Their present rights are only what may be embodied in a contract with the landlord. The provisions of the Transfer of Property Act afford them little protection against arbitrary eviction and enhancement of rent. To meet such a situation, the Government set up a Committee of Enquiry in 1938 to investigate the existing rights and obligations of the non-agricultural tenants in the Province and to recommend necessary measures for safeguarding the interests of both the landlords and the tenants. The appointment of the Committee was a signal for a large scale eviction of tenants by the landlords. Matters came to a head and Government had to pass a Temporary Provisions Act in 1940 stopping such evictions in all municipal areas other than Calcutta.

A comprehensive Bill regulating the rights of landlords and tenants in respect of non-agricultural lands was introduced in the last session of the Bengal Legislative Assembly before the partition of the Province and was passed by it after referring it to a Select Committee. But it could not become law as it was not considered and passed by the Bengal Legislative Council.

The present Bill contains the same provisions as the previous Bill passed by the Assembly with some minor changes.

M. M. BARMAN,
Member-in-Charge.

CALCUTTA :
The 22nd March, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, [illegible] March, 1948

red No. C207

OF THE BENGAL LEGISLATURE
CALCUTTA.

The Calcutta Gazette

Extraordinary

Published by Authority

TUESDAY, MARCH 23, 1948

IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

535L.—22nd March, 1948.—The Governor has been pleased to order, under rule 47 of the Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL LAND DEVELOPMENT AND PLANNING BILL, 1948.

A

BILL

to provide for the acquisition and development of land for public purposes.

WHEREAS it is expedient to provide for the acquisition and development of land for public purposes;

It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the West Bengal Land Development and Planning Act, 1948.

(*2*) It extends to the whole of West Bengal; but it shall not apply to the Calcutta Municipality as defined in clause (*b*) of section 2 of the Calcutta Improvement Act, 1911, or to any area to which that Act has been extended under sub-section (*3*) of section 1 thereof before the commencement of this Act. Ben. Act. V of 1911.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) the expressions "land", "Collector" and "Company" respectively have the same meanings as in the Land Acquisition Act, 1894; 1 of 1894.

(*b*) "development scheme" means a scheme for the development of land for any public purpose;

(*c*) "notified area" means an area declared under sub-section (*1*) of section 4 to be a notified area;

(*d*) "public purpose" includes—

(*i*) the settlement of refugees and other persons who have migrated to West Bengal under circumstances beyond their control,

(*ii*) the establishment of satellite towns with facilities for business, commerce and industry and of model villages and agricultural colonies,

(*iii*) the creation of better living conditions in urban and rural areas for the economic betterment of the local people,

(*iv*) the improvement of agriculture, forestry and fisheries, and

(*v*) the development of industries;

(*e*) "rules" means rules made under this Act.

The West Bengal Land Development and Planning Bill, 1948.

(Clauses 3—8.)

Appointment of the Prescribed Authority.

3. The Provincial Government may appoint, in accordance with the rules, an authority to be called the Prescribed Authority for carrying out the purposes of this Act.

Declaration of notified area.

4. (*1*) The Provincial Government may, by notification in the *Official Gazette*, declare any area specified in the notification to be a notified area if it is satisfied that any land in such area is needed or is likely to be needed for any public purpose and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the locality in such manner as he may think fit.

(*2*) Thereupon it shall be lawful for any person either generally or specially authorised by such Government in this behalf and for his servants and workmen,—

to enter upon and survey and take levels of any land in such area;

to dig or bore into the subsoil;

to do all other acts necessary to ascertain whether the land is suitable for such purpose;

to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;

to mark such levels, boundaries and line by placing marks and cutting trenches; and,

where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle.

Preparation and sanctioning of development scheme.

5. (*1*) The Provincial Government may direct the Prescribed Authority, or, if it so thinks fit in any case, authorise any Company or local authority, to prepare, in accordance with the rules, a development scheme in respect of any notified area and thereupon such scheme shall be prepared accordingly and submitted, together with such particulars as may be prescribed by the rules, to the Provincial Government for its sanction.

(*2*) A development scheme submitted to the Provincial Government under sub-section (*1*) may be sanctioned by it either without any modification or subject to such modifications as it may deem fit.

Declaration for acquisition of land needed for development scheme.

6. (*1*) When a development scheme is sanctioned under sub-section (*2*) of section 5 and the Provincial Government is satisfied that any land in the notified area for which such scheme has been sanctioned is needed for the purpose of executing such scheme, a declaration to that effect shall, unless already made in pursuance of section 7, be made by the Provincial Government.

(*2*) The declaration shall be published in the *Official Gazette*, and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(*3*) The said declaration shall be conclusive evidence that the land is needed for a public purpose and, after making such declaration, the Provincial Government may acquire the land

Special provision in cases of urgency.

7. In cases of urgency, if in respect of any notified area the Provincial Government is satisfied that the preparation of a development scheme is likely to be delayed, the Provincial Government may, on the expiration of fifteen days from the publication of the notice referred to in sub-section (*1*) of section 4, make a declaration under section 6, in respect of such notified area or any part thereof though no development scheme has either been prepared or sanctioned under section 5.

Application of Act I of 1894 subject to special provision for compensation.

8. A declaration under section 6 shall be deemed to be a declaration made for the acquisition of land for a public purpose under section 6 of the Land Acquisition Act, 1894, and thereupon the provisions of the said Act shall, so far as may be, apply: I of 1894.

The West Bengal Land Development and Planning Bill, 1948.

(Clauses 9—13.)

Provided that in determining the amount of compensation in respect of any land acquired in pursuance of this Act the market value referred to in clause *first* of sub-section (*1*) of section 23 of the said Act shall be deemed to be the market value of such land on the date of publication of the notification under sub-section (*1*) of section 4 for the notified area in which such land is included:

Provided further that if, in the case of any land included in a notified area for which the notification under sub-section (*1*) of section 4 is published on or before the 31st day of March, 1951, such market value exceeds by any amount the market value of the land on the 31st day of December, 1946, on the assumption that the land had been at that date in the state in which it in fact was on the date of publication of the said notification, the amount of such excess shall not be taken into consideration.

Power to dispose of land without development.

9. Notwithstanding anything elsewhere contained in this Act or in any rule or order made thereunder, the Provincial Government may, if it so considers expedient, dispose of any land acquired in pursuance of this Act in such manner and to such parties as it may think fit without having any development scheme prepared, executed or fully executed, as the case may be.

Execution of development scheme and disposal of land.

10. (*1*) The Provincial Government may direct the Prescribed Authority to execute any development scheme sanctioned under sub-section (*2*) of section 5 or cause it to be executed in accordance with the rules and upon the execution of the scheme as so directed the lands comprised therein shall be disposed of by the Collector in such manner as may be directed by the Provincial Government.

(*2*) If the Provincial Government so thinks fit, it may also empower a Company or a local authority to execute, at its own cost, any such development scheme and to dispose of the lands comprised therein on such terms and conditions including conditions relating to the manner of disposal of land as may be settled by the Provincial Government and embodied in an agreement to be entered into by the Provincial Government and the Company or local authority, as the case may be.

Withdrawal of power from Company or local authority to execute development scheme or to dispose of land.

11. If, at any time, the Provincial Government is satisfied that any of the terms or conditions contained in an agreement referred to in sub-section (*2*) of section 10 is not being complied with, it may, by order served in accordance with the rules on the Company or local authority, as the case may be, withdraw the power conferred on it to execute any development scheme or to dispose of the lands comprised therein or both and may thereafter make such arrangement in that behalf as it may deem fit and proper.

Protection of action taken under this Act.

12. (*1*) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

(*2*) Save as otherwise expressly provided in this Act, no suit or other legal proceeding shall lie against the Provincial Government for any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Power to make rules.

13. (*1*) The Provincial Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the personnel, and the manner of appointment of, the Prescribed Authority referred to in section 3;

(*b*) the preparation of development schemes and the particulars to be submitted with development schemes referred to in sub-section (*1*) of section 5;

(*c*) the execution of development schemes referred to in section 10;

(*d*) the manner of service of orders referred to in section 11.

STATEMENT OF OBJECTS AND REASONS.

The continued large-scale migration of people from East Bengal to West Bengal has given rise to a serious situation which requires to be tackled immediately in its three-fold aspects, namely:—

(*1*) to settle the refugees in a planned way;

(*2*) to spread them out in the different parts of the Province so that they may be effective producers of wealth by engaging themselves in gainful occupations; and

(*3*) to augment the yield of food crops by bringing more areas under cultivation with a view to meet the food requirements of the Province.

Apart from this, the city of Calcutta with its growing pressure of heavy population also present a problem which is causing the greatest anxiety. It has, therefore, become urgently necessary to develop the suburbs of Calcutta and other suitable places in the province with facilities for development of commerce and industry creating thereby opportunities for gainful occupation with less expensive living, so that a large number of people who gather in Calcutta, in the absence of suitable avenues of employment elsewhere, may be diverted to such newly developed areas. Better living conditions are also to be created in the country-side by improvement of agriculture and by bringing more lands under cultivation. And the need for all such measures is no less urgent for the people of the Province than for the refugees.

Accordingly, the Bill has been prepared to provide for the following objects in view, namely:—

(*i*) to settle refugees and other persons who have migrated to this Province under circumstances beyond their control;

(*ii*) to establish satellite towns with facilities for business, commerce and industry, model villages and agricultural colonies;

(*iii*) to create better living conditions in the urban and rural areas with the object of the economic betterment of the local people;

(*iv*) to improve the conditions of agriculture, forestry and fisheries; and

(*v*) to develop industries.

M. M. BARMAN,
Member-in-Charge.

CALCUTTA:
The 23rd March, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 23rd March 1948.

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ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

No. 383A.R.—23rd March 1948.—The lowing notification by the Secretary to the vernor of West Bengal is hereby published for neral information :—

Notification No. 1491S., dated the 23rd March 48.—In His Majesty's name, His Excellency Governor has assented to the Corporation of lcutta (Temporary Supersession) Bill, 1948.

S. N. RAY,
Secretary to the Governor".

By order of the Governor,
S. SEN,
Chief Secy. to the Govt. of West Bengal.

HEALTH AND LOCAL SELF-GOVERNMENT DEPARTMENT.

NOTIFICATION.

No. L.S.G.1C-18/48(I).—23rd March 1948.—I exercise of the power conferred by sub-section (of section 1 of the Corporation of Calcutta (Tem porary Supersession) Act, 1948 (West Beng Act VIII of 1948), the Governor is pleased appoint the 23rd day of March 1948 to be the da on which the said Act shall come into force

ORDER.

No. L.S.G.1C-18/48(II).—23rd March 1948.—I exercise of the power conferred by section 3 the Corporation of Calcutta (Temporary Supersession) Act, 1948 (West Bengal Act VIII of 1948 the Governor is pleased to supersede the Corpora tion from the 24th day of March 1948 up to the 31st day of March 1949, both days inclusive

By order of the Governor,

S. K. GUPTA,

Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Ptg., West Beng at West Bengal Govt. Press, Alipore, on the 23rd March 1948.

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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 5421L.—23rd March, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information:—

West Bengal Act VIII of 1948

THE CORPORATION OF CALCUTTA (TEMPORARY SUPERSESSION) ACT, 1948.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette Extraordinary* of the 23rd March, 1948.]

An Act to provide for the temporary supersession of the Corporation of Calcutta.

WHEREAS it is expedient to provide for the supersession of the Corporation of Calcutta for a short period and for carrying on the administration of the affairs of the said Corporation during the period of such supersession;

It is hereby enacted as follows:—

Short title, commencement and duration.

1. (*1*) This Act may be called the Corporation of Calcutta (Temporary Supersession) Act, 1948.

(*2*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

(*3*) It shall remain in force up to the 31st day of March, 1949.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "the Act" means the Calcutta Municipal Act, 1923; and Ben. Act III of 1923.

(*b*) "the Corporation" means the Corporation of Calcutta as constituted under the Calcutta Municipal Act, 1923.

Supersession of the Corporation.

3. The Provincial Government may, if it so thinks fit, by an order published in the *Official Gazette*, supersede the Corporation from such date and for such period as may be specified in the order.

Consequences of supersession.

4. (*1*) When an order of supersession has been made under section 3, the following consequences shall ensue:—

(*a*) all the Councillors and Aldermen constituting the Corporation, all the members constituting the Committees thereof and the Mayor and Deputy Mayor of the Corporation shall, as from the date of supersession, vacate their offices as such Councillors, Aldermen, members of the Committees and Mayor and Deputy Mayor;

(*b*) all the powers, duties and functions which may, under the provisions of the Act or any rule or by-law made thereunder or of any other law for the time being in force, be exercised and performed by

The Corporation of Calcutta (Temporary Supersession) Act, 1948.

(Sections 5—9.)

the Corporation or any Committee thereof or by the Mayor or Deputy Mayor or by Councillors or Aldermen shall, during the period of supersession, be exercised and performed by such person (to be called the Administrative Officer) as may be appointed by the Provincial Government in that behalf;

(*c*) all property vested in the Corporation shall, during the period of supersession, vest in His Majesty for the purposes of the Province; and

(*d*) during the period of supersession, the rates shall not be increased and the supplementary taxation shall not be imposed by the Administrative Officer under sub-section (*2*) of section 96 of the Act except with the previous approval of the Provincial Government.

(*2*)(*a*) Before the expiration of the period of supersession, there shall be a fresh general election of Councillors and a fresh election of Aldermen in conformity with the provisions of the Act and the persons who vacated their offices under clause (*a*) of sub-section (*1*) shall not be deemed disqualified for such elections.

(*b*) On the expiration of the period of supersession, the Corporation shall be reconstituted on the results of the elections referred to in clause (*a*) in accordance with the provisions of the Act.

Administrative Officer.

5. (*1*) The Administrative Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Act XLV of 1860.

(*2*) The Administrative Officer shall receive such monthly salary not exceeding three thousand rupees and such monthly allowances not exceeding in the aggregate five hundred rupees as may be fixed by the Provincial Government.

(*3*) The salary and allowances fixed under sub-section (*2*) shall be paid from the Municipal Fund referred to in the Act.

The Executive Officer or Deputy Executive Officer, etc., shall be subordinate to the Administrative Officer.

6. Notwithstanding anything contained in the Act, or any rule or by-law made thereunder, the exercise or discharge by the Executive Officer or Deputy Executive Officer or Chief Engineer or Chief Accountant or Health Officer or Secretary of any powers, duties or functions vested in or imposed upon him by the provisions of the Act or any rule or by-law made thereunder shall, during the period of supersession under section 3, be subject to control and revision by the Administrative Officer.

Power of the Provincial Government to vest the Administrative Officer with additional powers and duties.

7. In addition to the powers, duties and functions conferred and imposed on the Administrative Officer under clauses (*b*) and (*d*) of sub-section (*1*) of section 4 and section 6, the Administrative Officer shall, during the period of supersession under section 3, also exercise and perform such other powers and duties and do such other acts as in the opinion of the Provincial Government are necessary in the interest of the rate-payers of the Corporation and as the Provincial Government may by order or otherwise direct from time to time notwithstanding anything contained in the Act or any rule or by-law made thereunder.

Indemnity.

8. The Administrative Officer shall not be liable in any Court of law for anything done or purported to be done under this Act.

Power of the Provincial Government to make orders in case of difficulty.

9. Without prejudice to the powers of the Provincial Government under section 7, the Provincial Government may by order authorise any matter or thing to be done which appears to it necessary for the purpose of carrying on the administration of the affairs of the Corporation during the period of supersession under section 3 or of reconstituting the Corporation under sub-section (*2*) of section 4.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF COMMERCE, LABOUR AND INDUSTRIES.

Labour.

ORDER.

o 888Lab.—23rd March 1948.—Whereas er the Government of West Bengal, Comce, Labour and Industries Department, order 777Lab., dated the 7th November 1947, the ustrial dispute between the Howrah Municipa-, Howrah, and their employees as represented he Howrah Municipal Employees' Association, rah, was referred for adjudication to S. N. Modak, I.C.S. (Retd.);

nd whereas the said Sree S. N. Modak, I.C.S. td.), has given the award as shown in the exure hereto;

ow, therefore, in exercise of the powers conred by sub-section (*2*) of section 15 read with -section (*3*) of section 19 of the Industrial Dises Act, 1947 (XIV of 1947), the Governor is ased to make the following order and to direct h reference to section 17 of the said Act that the ard be published in the *Calcutta Gazette*.

The award made by the said Sree S. N. Modak, .S. (Retd.), shall bind the municipality aforel and their employees as specified therein and ll remain in operation for a period of six months h effect from the date of this order.

ANNEXURE.

BEFORE SREE S. N. MODAK, I.C.S. (RETD.).
Chairman, Industrial Tribunal, Calcutta.

In the matter of the industrial dispute between the Howrah Municipality, Howrah, and their employees as represented by the Howrah Municipal Employees' Association, Howrah.

Award.

1. By Government of West Bengal, Commerce, bour and Industries Department, order No. 7Lab., dated the 7th November 1947, this indusal dispute between the Howrah Municipality, owrah, and their employees as represented by the owrah Municipal Employees' Association was reerred to me for adjudication.

The Howrah Municipality was represented by r. P. B. Mukherji and Mr. A. N. Roy, Barrisrs-at-Law, and Mr. Jitendriya Banerjee, Secrery and Mr. Lalit Mohan Roy, law officer of the unicipality. The Employees' Union was reesented by Mr. Sibnath Banerjee and others.

On the statements submitted by the parties the following issues have been framed:—

(*1*) Does the present dispute constitute an industrial dispute within the meaning of the Industrial Disputes Act?

(*2*) How far, if at all, the Central Pay Commission's recommendations should be and can be adopted by the municipality in respect of—

(*a*) basic pay, (*b*) dearness allowance, (*c*) gradation of pay, (*d*) house rent allowance, (*e*) compensatory allowance, (*f*) extension of retiring age and (*g*) leave facilities, with retrospective effect from January 1947?

(*3*) (*a*) Can immediate effect be given to the Provident Fund Scheme as adopted by the Municipal Commissioners as per resolution No. 232, dated 30th March 1946, with retrospective effect from 1st April 1946?

(*b*) What should be the rates of subscriptions and contributions to the Provident Fund?

(*4*) What provision, if any, should be made for the menials in respect of—

(*a*) suitable quarters,

(*b*) suitable uniforms?

(*5*) Should there be any retrenchment of the existing staff?

(*6*) What should be the rate of conveyance allowance for outdoor officers and what should be the basis of such rate?

(*7*) What, if any, overtime allowance should be given for work for extra hours and what should be its basis?

(*8*) What should be the principles of filling up vacancies by promotion or otherwise?

(*9*) Should orders of appointment, transfer, dismissal and promotion be made in consultation with the Employees' Association?

(*10*) What should be the principles governing the grant of gratuity?

Issue No. 1.

2. Before proceeding further in this matter, it is necessary to deal with Issue No. 1. The question under this issue is whether the present dispute is an industrial dispute under the Industrial Disputes Act, or in other words, whether this Tribunal has jurisdiction to adjudicate upon the dispute. To be an industrial dispute it must be a dispute between employers and workmen, that is, persons employed in an industry, as indicated by the definitions in section 2(*k*) and (*s*) of the Act. The point

therefore is whether it can be said that the employees of the Howrah Municipality are employed in an industry. We must then proceed to examine the definition of industry as given in section 2(*j*) of the Act, which states that "industry means any business, trade, undertaking, manufacture or calling of employers, and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen". The operative part of this definition is to the effect that "industry" means one or other of five things, namely, business or trade or undertaking or manufacture or calling of employers. The remaining part of the definition is more or less illustrative and does not constitute the definition proper, and is controlled by what I have just mentioned as the operative part.

2a. Certain English cases have been placed before me on behalf of the municipality in support of the contention that in so far as the municipality is not a buying and selling or profit-making concern it is not an industry. Similarly other English cases have been brought to my notice on behalf of the Employees' Association in support of the proposition that the municipality is a trade or business in a wide sense. On careful examination of the English cases cited by both sides I am of opinion that they are not very helpful inasmuch as they were decided under the particular circumstances of those cases and in the light of interpretation of language used in English Statutes which have no application here. On a careful scrutiny of the provisions of our Industrial Disputes Act, I have come to the conclusion that it is not necessary for our purposes to refer to English cases of doubtful applicability and it is enough to interpret our own statute according to the usual canons of interpretation.

2b. My attention has been drawn to a recent award given by another Tribunal in connection with another municipality, the decision being that a dispute of this kind is an industrial dispute. I have come to the same conclusion. But I feel that I must give proper and adequate reasons justifying that conclusion. It is not quite sound to say that because the Howrah Municipality maintains a system of public conservancy and sanitation which is a public utility service under section 2(*n*)(*v*) of the Act, the municipality must be an industry. The definition under section 2(*n*) does not make out that a public utility service must necessarily be an industry. It appears to me that a public utility service may or may not be an industry. The varieties of public utility service as per clauses (*iv*), (*vi*) and (*vi*) are clearly industries and the other three varieties as per clauses (*i*), (*iii*) and (*v*) may be industries if they are covered by the definition of industry as per section 2(*j*). For certain purposes, the Act makes a distinction between an industrial dispute arising out of an ordinary industry and that arising out of a public utility service industry, attaching greater importance to the latter, as indicated by the provisions of the proviso to section 10(*1*) and section 12(*1*) among others. In any case the position is that a public utility service may or may not be an industry, and it cannot be said that a municipality is or carries on an industry merely by reason of the fact that it maintains a system of public conservancy or sanitation. We must seek our reasoning from a different angle.

2c. At this stage it will be useful to dispose of the contention raised on behalf of the municipality that in view of the language used in section 2(*g*) with regard to the meaning of "employer", a local authority like a municipality cannot be an industry, as in that case section 2(*g*) (*ii*) would convey the idea of an industry being carried on by or on behalf of an industry which is an incongruity. In my opinion, this contention may be met on the following basis. A department of Government or a local authority may carry on an undertaking constituting an industry without being itself an industry. In our case, the Commissione Howrah Municipality do not constitute try, but the undertaking carried on by t very well be an industry within the m section 2(*j*). To my mind section 2(*g*) pr difficulty whatever, and the real point in is whether the undertaking carried on municipality is an industry. In the ligh words actually used in section 2(*j*), I that it makes no difference whether th taking was undertaken by the municip reason of the provisions of any statute wise, as the word "undertaking" use clause is plain and unqualified.

2d. The crucial point for consideration is the meaning of the word "undertaking" tion 2(*j*). Is its meaning influenced by ceding words "trade" and "business" o following words "manufacture" and "c employers"? There is no canon of interp to the effect that mere juxtaposition must necessarily convey the idea that th influence one another. Ordinarily speakin are to be taken to bear their usual meani has been contended on behalf of the mun that by the application of the doctrine of " generis" the word "undertaging" must to be akin to the preceding words "tr "business", and therefore to be connect the concepts of buying and selling, profit- or earning money, and in so far as a mun does none of these things it cannot be sai or to carry on an industry. I have carefu sidered the implications of the doctrine of dem generis" as elucidated in Chapter XI cularly section V (Generic words followin specific), of Maxwell on the Interpreta Statutes, and am definitely of opinion th doctrine has no application to our case principle may be briefly enunciated in the ing manner, as we can gather from Ma book—"The general word which follows cular and specific words of the same nat itself takes its meaning from them, and sumed to be restricted to the same genus a words. In other words, it is to be read a prehending only things of the same kind a designated by them, unless, of course, th something to show that a wider sense was int Unless there is a genus or category there room for the application of the "ejusdem ge doctrine. Looking into the different illust given in Maxwell's book one gets the unavo impression that the general word must concluding word in the string and all the must belong to the same genus, in order th doctrine may apply. In our case, we ar sidering the word "undertaking" as the g word and the preceding words "trade" "business" are described as the more spec less general words. But the word "underta is not the concluding word in the string and not only preceded by two other words but i followed by two other expressions conveying cepts of an entirely different nature. It is therefore that in our case there is no gen category in existence, such as would pro attract the doctrine of "ejusdem generis". sequently the five expressions used in the d tion of "industry" must be held to be indepe of influence by one another, and there is no fication for holding that the word "undertak means an "undertaking by way of trade or ness" or a profit-making concern or an "u taking by way of manufacture" or a produ concern. The result is that the word "u taking" stands by itself in the definition and its ordinary meaning, which need not have flavour of trade or business or manufactur may notice here in passing that in rule 81 of Defence of India Rules it is explicitly laid d that the word "undertaking" in that rule m

"any undertaking by way of any trade or business", indicating that without this explicit restrictive definition the word "undertaking" would have its usual meaning of a wide character. In our case, there are no such qualifying words, and it must be held that the word "undertaking" bears its ordinary wide meaning, without any restriction whatever. There is therefore no difficulty in holding that the undertaking carried on by the Howrah Municipality is an industry within the meaning of section 2(*j*) of the Industrial Disputes Act. I therefore decide that the present dispute is an industrial dispute and this Tribunal has complete jurisdiction to adjudicate upon it.

2c. Before I leave this issue, I should like to observe that the matter presents difficulties and intricacies, and it is unfortunate that a fundamental definition of this character should be couched in words which cannot be easily understood and which are likely to give rise to long-drawn controversies. It is not unlikely that different Judges may interpret them in different ways. I therefore consider it highly desirable that the pointed attention of the Government and of the Legislature be invited to this fundamental subject, and that speedy steps be taken to amend the definitions in such a manner that there may be no room for doubt or controversy.

3. Before I proceed to deal with the other issues relating to the different demands made by the Howrah Municipal Employees' Association it is necessary to make some general observations with regard to the capacity of the Howrah Municipality to meet those demands and the financial condition of the Municipality. I feel it is necessary to indicate at this stage the proper line of approach in the matter of an adjudication of this character relating to a Municipality which must be distinguished from an ordinary profit-making concern or even from a Government whose resources are much more extensive. With regard to a Municipality it is a dangerous theory to propound that if the Municipality is not able to pay adequate wages and to provide for substantial amenities for its employees it ought to be closed down. As a matter of fact no right-thinking person will agree that a Municipality should be allowed to be closed down even for a day, as it must be admitted on all hands that a Municipality exists for the entire population inhabiting the area concerned and the services rendered by the Municipality affect the daily life of all the inhabitants from the sanitary, hygienic and other points of view, so intimately that it is unthinkable that any one should contemplate the idea of closing down of the Municipality even for a part of a day. The position is that while it may in proper circumstances be said that a factory which is unable to pay adequate wages had better be closed down, the same thing cannot be said in respect of a Municipality, and a Municipality must be made to carry on its activities without any interruption whatever. The resources necessary for carrying on these essential activities affecting the lives of lakhs of people must be found either by the Municipality or for the Municipality. The question of the financial condition of the Howrah Municipality therefore should be scrutinised with the utmost care, and it should be closely examined how far the Municipality is able to bear any additional burden, before we can justly decide upon the dimensions of the additional burden to be imposed under the particular circumstances. The process of this examination involves a delicate balancing of the present resources of the Municipality, and the potential resources which may be available either through the efforts of the Municipality itself by working the existing machinery more efficiently and diligently or through the aid of the State which may feel called upon to come to the assistance of the Municipality by way of grant of subventions or of advances of loans to be repaid, or by bringing about legislation or amendments in the existing law to open out further avenues of income for the Municipality. At the same time the demands made by the Employees' Association on behalf of poorly paid employees should receive our sympathetic consideration and should not be brushed aside merely on the ground that the Municipality, as it is situated at present, has no resources at all to meet any part of these demands.

3a. At this stage it will be pertinent to give an indication of the financial condition of the Howrah Municipality at the present moment. I have carefully gone into this question in a somewhat detailed manner, and I have got the impression that the Howrah Municipality is at present facing a financial crisis, and the situation is positively alarming. I have examined the statements of actual receipts and expenditure for the twelve months of the financial year 1946-47, and also for the nine months from April to December 1947. I have also gone into the Budget Estimates for the years concerned. In spite of a subvention of 6 lakhs of rupees granted by the Government and an advance of Rs. 1,41,000 made by the Government, the position is that at the best the income and the expenditure on the existing scale of wages and allowances are just balanced, and yet several bills of contractors still remain to be paid, and there are practically no resources which can be utilised for meeting at lease some of the demands put forward on behalf of the employees for the purpose of improving their condition. As I have already said the demands put forward should be met at least partially in the interests of bare justice to the employees. At the same time I hope the employees will realise and appreciate the position that it is impossible for the Municipality to find adequate funds all at once in order to be able to meet their demands in full. It must be a process of mutual appreciation of difficulties, and in that process our Government of West Bengal can and should be expected to play an effective part. The Howrah Municipality is, in respect of importance and extensiveness, the second municipality in the Province, next to the Corporation of Calcutta. This Municipality cannot be permitted, in the interest of the State itself to carry on a moribund existence, without being able to meet its legitimate day-to-day expenditure and to carry out various projects of improvement which can be expected to be provided by such an important Municipality. So far as I can see there are and should be ways and means of improving the financial condition, and these can be considered mainly under three heads, namely—

(*1*) self-help,

(*2*) help from the Provincial Government by way of subventions, loans, etc.,

(*3*) fresh legislation and amendments of the existing law.

3b. Under the heading of self-help we may consider whether the municipality has adequately helped itself in the past and whether it is determined to help itself at the present moment and in the future. For the present ills of the municipality, the present Board of Commissioners may not be wholly to blame, as it is possible that the present Board has inherited a legacy of the past, and certain practices and ideas have taken root in the soil in such a manner and to such an extent that it is perhaps difficult for the present Board, with all its good intentions, to eradicate all at once the roots of the evil which have a tendency to persist. The greatest evil which has overtaken the municipality for many years past appears to be the evil of under-valuation and under-assessment. There must be a determined effort to eradicate this evil as soon as possible. I realise, and I hope all concerned will appreciate, that the accumulated sins of a generation cannot be atoned for in a day. But it is up to the present Board

of Commissioners to start the atonement without the loss of any time whatever. It is pleasing to see that the present Board is already making some tangible efforts in the direction of proper valuation of holdings and proper assessment, and for the speedy realisation of consolidated rates and arrears thereof. It is pleasing to note that the present Chairman of the Municipality has put forward an improved policy of assessment for Ward VI in particular in respect of which the work of quinquennial reassessment is going on. I do not wish to express any definite opinion about the scales of valuation of lands which have been fixed for the guidance of the assessor. But I should urge that greater efforts be made for securing a proper and adequate valuation in the light of the existing conditions, although I realise that it may be unjust to rate-payers to value lands and buildings with absolute strictness on the basis of the present high prices under circumstances of abnormal inflation. The point is that the matter should be handled with both fairness and strictness without giving rise to any suspicion of favouritism or undue leniency. In the present condition of the Municipality undue leniency will be wholly misplaced. It has been brought to my notice that the Appeal Committee dealing with questions of assessment has been over-lenient in many cases, and the standard of assessment has remained practically stationary in several cases, without much justification. The Board of Commissioners of the Municipality can best embark on an organised effort of self-help by discouraging all such tendencies towards misplaced leniency. The resources of the Municipality are mainly available from the rates and license fees. It is noticeable that the consolidated rates have already reached the level of 21¾ per cent. as against the maximum of 23 per cent. of the annual valuation permissible under the law. While it may not be desirable to raise the percentage to the maximum of 23 per cent., it is not only desirable but also practicable to raise the valuation itself to a proper standard. Strenuous efforts should also be made for collecting the current rates in proper time without allowing them to fall into arrears and for realising the arrears as well. As regards the fees levied by the Municipality under other heads, it is noticeable that the maximum permissible under the law is being levied in several cases, and in some cases, where there is no statutory limit the rates have been increased substantially. Even then there may be some room for increasing the rates still more in suitable cases, for example, in the case of amusements, etc., the organisers of which are said to be making huge profits. It is needless for me to go into further details of the efforts which the authorities of the Municipality can and should make in order to tide over the present difficulties.

3c. I next pass on to the question of direct aid given by the Provincial Government. In this connection the difficulties of the Government itself should not be lost sight of, and it should not be imagined that the Government has unlimited resources. So far as the present proceedings are concerned Government was not a party and I do not think the Municipality can expect the Provincial Government to undertake unreasonably heavy burdens for one Municipality in the Province. It appears that the Government has been making a grant of 6 lakhs per year by way of subvention, and has also advanced Rs. 1,41,000 by way of loan which is to be repaid. I think the Municipality can expect the Provincial Government to come to its aid by way of increased subventions and loans within reasonable limits for the purpose of tiding over the present crisis. That is, however, a matter for the Governmetn to consider and all that I can do is to recommend the case of Howrah Municipality for sympathetic consideration. As regards loans, I may observe that the Municipality may be in a better position to rep loans in the coming years as the problems of a quate valuation and assessment, by way of qu quennial reassessment, are tackled with vigo and efficiency in the different wards of the mu cipality from year to year.

3d. I am almost tempted to suggest for t consideration of the Provincial Government th the law relating to quinquennial assessment m be suspended temporarily to enable the Munic pality to undertake the work of reassessment on proper and adequate basis simultaneously in the wards without any loss of time. I feel that t financial position is so critical that even such course would be completely justified. I have a preceding paragraph referred to the question self-help. It should be observed at this stage th the Municipality is not free even to help itself many directions by reason of the fact that it ha to carry on its activities under the weight of man fetters provided by the law. In my opinion man of these fetters can and should be removed, at th intervention of the Government, for revitalisin this Municipality. I do not propose to go into th minute details of the different directions in whic fresh legislation can be undertaken or amendmen of the existing law can be made by the Goverr ment. It is up to the authorities of the Munic pality to bring the details of such matters to th notice of the appropriate Government for favour able consideration. The provisions of section 15 of the Government of India Act relating to rail way property within the limits of Howrah Muni cipality, and of section 142A of the same Ac relating to taxes on professions have the effec of acting as heavy fetters on the Municipality The removal of these fetters may with justice b considered by the Provincial Government and th Government of India. As the impact of financia helplessness of the Howrah Municipality is bound to come eventually on the Provincial Government and as in the last resort the Provincial Government may have to take over the administration of th Municipality in the event of a total financial breakdown, and as in that case the Provincial Government cannot absolve itself of its liability t carry on the activities of the Municipality with justice to its employees, it will after all be a wise policy to bring about fresh legislation or amend ment of the existing law and rules for the purpose of enlarging the freedom of the Municipality to open up avenues of revenue in different directions, so that it may gather up its own strength and help itself and stand upon its own legs, rather than being thrown upon the Government as an unwelcome burden. I, therefore, earnestly invite the attention of the Government to this most important aspect of the situation relating to the Howrah Municipality.

3e. In this connection I consider it fair to support the Chairman of the Municipality in his representation to the Government, dated the 4th November 1947, in which he sought the immedaite and active help of the Government with regard to the following among other items:—

(1) Immediate payment of the accumulated motor vehicles tax fund for seven years amounting to Rs. 2½ lakhs.

(2) Restoration of the motor vehicles tax grant annually.

(3) Immediate payment of compensation for damage to the roads of the Municipality by heavy military traffic out of the subvention received from the Central Government amounting to Rs. 8 lacs.

(4) Payment of additional subventions for a period of five years besides the 6 lacs already sanctioned.

(b) To make available to the Municipality additional sources of revenue from the following heads of taxes:—

(a) share of amusement tax collected in Howrah,

(b) share of electricity duty tax collected in Howrah,

(c) share of commercial sales tax collected in Howrah,

(d) share of stamp duty on transfer of properties in Howrah,

(e) enhancement of schedules of rates of license fees on trades and professions.

I earnestly recommend all these for the sympathetic consideration of the Government. I find that the Chairman of the Municipality in his statement on the Budget Estimates for 1948-49 has suggested new sources of income to the Municipality such as poll tax on all buses, lorries and other vehicles coming to and passing out beyond the limits of Howrah Municipality, additional terminal tax of all passengers and goods arriving at Howrah or carried by water or railway transit, a production tax on the turn-over in mills and factories within Howrah, a levy on motor cars, buses and lorries for consuming water for cleaning and such other things. In my opinion these proposals deserve the close consideration of all authorities concerned.

3. Although the present resources of the Howrah Municipality do not really admit of any substantial improvement in the condition of its employees I am of opinion that with diligence and fitness exercised by the authorities of the Municipality and with the active aid within reasonable limits received from the Government, the potential resources of the Municipality in the near future will admit of some improvement on the lines of the demands put forward on behalf of the employees, though of course those demands cannot be met in full for the present. I now proceed to deal with the issues from issue No. 2 onwards one by one.

Issue No. 2.

I now take up issue No. 2 which is the most important and comprehensive issue dealing with scale pay, dearness allowance, gradation and other items of amenities. The Employees Association has claimed all kinds of amenities on the scales recommended by the Central Pay Commission in respect of employees of the services of the Central Government of India. On behalf of the Municipality it has been contended that these recommendations do not apply to employees of a Municipality like the Howrah Municipality. As I have already indicated the determination of scales of wages and other amenities must necessarily depend on the capacity of the particular employers to pay, and as the Municipality is an institution which cannot be allowed to be closed, it must be carefully examined whether the necessary funds can be found either by or for the Municipality. The scales recommended for the Central Services by the Central Pay Commission were expected to be paid by the Central Government whose resources are practically unlimited. On the other hand, the present resources or the potential resources of the near future in respect of the Howrah Municipality are meagre, and the Government of West Bengal, with all its initial troubles of an extraordinary character after the partition of the country, cannot be expected like the Central Government to have unlimited resources, and it must be given something time to measure its steps, and to formulate its plans of help for the municipalities in the Province with some degree of caution. There are no clear indications that the Government of West Bengal is going to adopt in full all the recommendations of the Central Pay Commission in respect of the emoluments payable to its own employees. Nor is there any likelihood of the Provincial Government taking over the administration of the Howrah Municipality and starting straightaway to pay the municipal employees on scales which the Government may not adopt for its own employees. I hope therefore that the municipal employees concerned in the present dispute will take a realistic view of the situation and appreciate that they should not except in full the scales recommended by the Central Pay Commission for employees of a different character working in entirely different environments. At the same time the authorities of the Howrah Municipality should appreciate that there is such a thing as a living wage of human beings in general, and all employers should be able to find the money required for payment of living wages, more or less above what is somewhat vaguely known as the poverty line, to all their employees. The Central Pay Commission has, in its report, referred to minimum living wages, but it should be understood that it did not seek to lay down any hard and fast standard in this direction, applicable to all cases, and each case must be decided on its own merits. In some cases the scales may even be higher than those recommended by the Pay Commission, and in others they may be lower, and in some others they may be the same. Keeping all the principles and particular circumstances in mind, I shall proceed to determine the basic wages and gradations as per items (a) and (c) of issue No. 2, which, I consider, should be made applicable to the employees of the Howrah Municipality with effect from such date as the Government may specify. It may be worthwhile to note here some of the broad principles which I have followed in arriving at my conclusions.

4a. I do not propose to interefere with the salaries of the higher grade officers who are already on scales with a starting salary of Rs. 250 per month or more, and it will be my endeavour to improve to some extent the prospects of the lower scale employees. It will however be open to the authorities of the Municipality to raise the scales of the higher grade officers if they so desire, without my exercising any compulsion. I do not also propose, in most cases, to raise the starting salary of those who may be said to be above the poverty line, though something is proposed to be done towards improving the maximum limit in many cases. Those who are now below the poverty line and cannot be said, in the light of fair human standards, to be receiving what may be called minimum living wages are proposed to be placed on fair and just standards more or less on the lines recommended by the Central Pay Commission. From the practical point of view, some distinction has been inevitable in some cases between clerical employees of the educated type entrusted with more responsible work and other clerical employees of the semi-educated type, usually known as non-Matric. In fixing the new scales, the ranges of the existing scales have been borne in mind, and blind-folded imitation of the Pay Commission scales has in many cases been avoided, as I do not admit blind-folded action to be a virtue, and in my view the existing conditions cannot be ignored in the process of determining future conditions. With regard to the scales applicable to the conservancy menials, it was argued on behalf of the Municipality that these workers make extra earnings from other sources and many of them work as family units consisting of husband, wife and adult children, and consequently their scales should be on a lower basis. No adequate and dependable data have been brought to my notice, to support these general contentions. On the other hand, it was submitted on behalf of the Municipality, in course of the hearing that only less than 25 per cent. of the conservancy menials do additional work elsewhere, and I am given to understand, with the concurrence of both sides, that these workers are

studiously refraining from doing any work for other employers during the usual working hours from 5-30 a.m. to 10-30 a.m. in the morning, since after the recent illegal strike, and shall continue to do so. Under these circumstances, the contentions raised in respect of a small minority cannot be allowed to affect the whole body of conservancy menials. As regards the question of family units no data are available. I am therefore unable to attach much importance to the contentions raised by the Municipality, and all conservancy menials must therefore be treated as employees on the same level. In determining the scales, the nature of the work done, the degree of responsibility involved, and the standard of skill or education possessed by the individual employees have been borne in mind as far as practicable. The graded scales of pay are necessarily applicable to those employees who are regarded as whole-time workers. Consequently, some categories of employees like the molla for the slaughter house, carters, and evening service coolies who are part-time workers and are now on fixed wages are proposed to be retained on fixed wages, though on a somewhat increased scale.

4b. Having made a survey of the broad principles pursued, I proceed to give below the basic pay and gradations of pay as per items (*a*) and (*c*) of issue No. 2, which I have determined for the purposes of my award.

Designation.	Present grade (in rupees).	Grade in award (in rupees).
Engineer, Health Officer, Assessor, Secretary, Collector, Law and License Officer, Assistant Engineer, Chief Accountant, Survey Superintendent.	..	No directions.
Head Clerk, Selection Grade (one post).	150—5—200	150—5—240
Head Clerks (six posts) ..	125—5—175	125—5—200
Chairman's Clerk, Vice-Chairman's Clerk, Meeting Clerk.	125—5—175	125—5—200
Additional Meeting Clerk ..	75—5—150	80—5—160
Record-keeper .	100—5—150 ..	100—5—170
Clerks, Class I (two posts) ..	100—5—150 .	100—5—170
Clerks, Class II .	40—4—100—5—115	55—3—85—4—125—5—130.
Junior Clerks .	30—2—60 .	40—2—60—3—75
Head Typist ..	75—5—125	80—5—140
Typists ..	40—4—100—5—115	55—3—85—4—125—5—130.
Reference Supplier	30—2—60 ..	40—2—70
Record Supplier ..	25—1—45 ..	35—1—40—2—60
Telephone Clerk ..	35—2—65 ..	40—2—70
2nd Telephone Clerk ..	25—1—30—2—50..	35—1—40—2—60.
Meeting Record Supplier ..	25—1—30—2—40..	35—1—50
1st Assistant Accountant .	125—5—200	125—5—225
Assistant Accountants and Engineering Accountant.	100—5—175	100—5—200
Cashier .	125—10—225	125—10—245—5—250
Assistant Cashier ..	75—5—125 ..	80—5—140
Pay Clerks ..	40—4—100—5—115	55—3—85—4—125—5—130.
Bank Clerk .	30—2—60—5—75..	40—2—60—5—85
Poddar	30—2—60 ..	40—2—70
Store-keeper .	125—5—200 .	125—5—225
Assistant Store-keeper .	75—5—125 ..	80—5—140
Godown Assistants ..	40—4—100—5—115	55—3—85—4—125—5—130.
Conservancy Overseers ..	40—4—100—5—115	55—3—85—4—125—5—130.
Assistant Conservancy Overseers.	30—2—60—5—75 .	40—2—60—5—85
Law Moharar (Civil Court) .	30—2—60—3—75.	40—2—60—5—85
Law Moharar (Criminal) ..	25—2—45 ..	40—2—70
Assistant Law Moharar (Civil)		
Court Clerk ..	30—2—60 ..	40—2—70
Process-servers ..	20—1—35 ..	35—1—50
Overseers to include Engineering Overseers, Water Works Overseers, Building Inspectors, Estimator, Bustee and Alignment Overseer, Lighting Superintendent.	100—5—175 ..	100—5—200
Sub-Overseers including Ward Surveyors of the Building Department, Assistant Estimator, Water Works Sub-Overseer and Lighting, Survey, etc	50—5—100—5—125	55—5—
Draftsman ..	40—4—100—5—115	55—3—5—130
Tracers ..	30—2—50—3—65..	40—2—
Work Sarkars ..	30—2—50 ..	40—2—
Electric Mistry ..	40—2—60—3—75..	55—3—
Assistant Electric Mistry ..	30—2—60 ..	40—2—
Steam Road Roller Drivers ..	40—2—60	40—2—
Steam Road Roller Fitter Mistry.	25—1—40—2—50	35—1—
Tube-well Pump Driver ..	25—1—40	35—1—
Road Roller Fireman ..	20—½—25	35—1—
W. W. Foreman Mistry ..	40—1—50—2—60	40—2—
Tube-well Mistry	30—1—45	35—1—5
Pipe Layers . ..	25—1—35	35—1—
Pipe Layer and Jt. Setter ..	20—1—30	35—1—
Stand Post Mistry .	20—1—30	35—1—
Meter Repairing Mistry ..	25—1—35	35—1—
Mali, Cooly, Telephone men ..	18—½—25	30—½—
Supdt., Motor Vehicles ..	200—10—300	200—10—
Head Mistry (Motor Dept.) ..	70—3—100—5—110	70—3—
Motor Mistries	55—3—85	55—3—
Motor Fitter (Upper Grade) ..	40—4—100	55—3—
Motor Fitter (Lower Grade) ..	30—3—75	40—3—
Assistant Fitter	25—2—45	35—1—
Motor Drivers	40—4—100	60—4—
Motor Ambulance Driver ..	40—4—100	60—4—
Lorry Assistants and Cleaners	18—½—25	30—½—
Workshop Foreman ..	100—5—175	100—5
Assistant Foreman ..	40—4—100	55—3—5—110
Head Mistry	40—1—50—2—60	55—3—
Turner	30—1—45	40—1—
Carpenter, Viceman, Blacksmith.	25—1—40	35—1—
Fitter Mistry, Painter, Rivetter	20—1—30	35—1—
Fitter boy, Hammerman Cooly	18—½—25	30—½—
Assistant Assessor ..	125—5—200	125—5—
Ward Surveyors	50—5—125	55—5—1
Amin	35—2—75	45—2—5
Bill-Writers	30—2—60—5—75	40—2—
Notice-servers	25—1—40	35—1—5
Collection Inspector ..	100—5—175 ..	100—5—
Collecting Sarkars ..	40—2—50—65—4—85.	55—3—
License Inspectors ..	75—5—150 ..	80—5—
Assistant Health Officers ..	125—5—200 ..	125—5—
Medical Inspectors ..	75—5—150 ..	80—5—
Sanitary Inspectors ..	100—5—150 ..	100—5—
Resident Medical Officer for J. D. Hospital.	100—5—150 ..	100—5—
Medical Officer for Outdoor Dispensary.	75—5—100 ..	100—5—
Kaviraj	40—2—60 ..	55—3—
Vaccination Inspector ..	50—5—100 ..	60—5—
Birth Registrars and Vaccinators, Death Sub-Registrars	30—2—60—5—75	40—2—
Health Lecturer	40—2—60 ..	55—3—
Midwives	50—3—80 ..	55—3—
Female Vaccinator ..	30—2—50—3—65	40—2—
Cattle Superintendent (Veterinary Surgeon).	75—5—150 ..	80—5—
Male Attendants	25—1—40 ..	35—1—
Compounders and Dressers ..	30—2—60 ..	40—2—
Nurse (female)	40—1—50—2—60	40—2—
Dhobi, Cooly	18—½—25 ..	30—½—
Yard Compounder and Dressers	20—1—30 ..	35—1—
Disinfecting Jamadar ..	20—1—30 ..	30—1—
Inspector of Municipal Schools	125—5—200 ..	125—5—

Designation.	Present Grade (in rupees).	Grade in award (in rupees).
ector : Municipal Maktabs	125—5—200	125—5—225.
(Masters	50—3—80	55—3—85—4—125—5—130.
(Mistresses ..	50—3—80	55—3—35—4—125—5—130.
Assistant Teachers ..	30—2—60	55—3—85.
Head Instructors ..	30—2—60	45—3—75.
Lady Teacher	30—2—60	40—2—70.
Teachers	30—2—60	55—3—85
ries . ..	22—½—27	30—1—40
t Guard, Cash Guard ..	20—½—30	30—1—40
ervance Sardars, Sarkars, madars, Littmen, Durwans.	20—1—30	30—1—40
ket Watchmen, Cattle and Jamadars, Orderlies, ons, Care-takers, Burial ound Care-takers.	18—½—25	30—½—35
shaw Cooly .. .	20—½—25	30—½—35
Khalasis, Store Khalasis, ah, Store Cooly, Record oom Cooly	18—½—25	30—½—35
.. ..	13—½—18	30—½—35
for Slaughter House (part-me)	12 fixed	15 fixed
ons . ..	25—½—30	35—1—50
Sardars ..	20—1—30	35—1—50
Department Carters art-time)	11 fixed	15 fixed.
ey Department Carters art time)	11 fixed	15 fixed.
Coolies ..	20—½—25	30—½—35
ties . ..	18—½—25	30—½—35
er Cart Syces ..	18—½—25	30—½—35
Conservancy.		
ors, Sullage-Cleaners, Sul-ge Carters, Refuse Carters, aders, Barrow Men, Drain ody, Buster Cooly, Sweep-g Cooly	15—½—18	30—½—35
nfecting Coolies—male and male	13—½—16	30—½—35
ning Service Coolies ..	11-8 fixed	15 fixed.

4c. The above chart is based on the representations definitely made before me. If it happens that there has been no representation made by the parties regarding any employee or category of employees, the authorities of the Howrah Municipality should determine the basic pay and gradation of pay of such employees in the light of the principles I have followed.

4d. Then arises the question of fitting the existing employees into the new scales decided upon in my award. In trying to solve this question in accordance with any scheme, some anomalies and inconsistencies are likely to occur. On giving careful thought to the subject I have decided that the best course is to adopt the method described in paragraph 70 of the Central Pay Commission Report, and I direct that that method be adopted on the following lines. When persons on the existing scales of pay are brought on to the corresponding scales now decided upon, their initial pay should be fixed at the stage in the proposed scale next above the pay they are drawing, in their present scale. To this should be added special increments at the rate of one increment in the proposed scale for every three completed years of service. Some ceiling should however be fixed to the increases to be thus allowed. The ceiling should be the next stage above the amount that may be arrived at after adding to the present pay the sums stated below.

For persons drawing a salary not exceeding—

Rs. 100 ... Nil

Rs. 101 to Rs. 250 ... Rs. 20

The pay to be allowed to a person on the above basis should not exceed what he would draw if his entire service in the existing scale had been on the corresponding new scale of pay.

4e. Having thus disposed of items (*a*) and (*c*), I now pass on to a consideration of item (*b*) relating to the question of dearness allowance. It is noticeable that with regard to dearness allowance, the Municipality has to depend on the gratuitous grant received from Government, and it is not known how far the Government of West Bengal will be able to help the Municipality in the matter of further increases of dearness allowance on the lines of the recommendations of the Pay Commission Report, as demanded by the Employees' Association, in the light of the substantial increases in the basic wages already directed in respect of at least the lowest paid workers, which I felt to be an absolute necessity and therefore unavoidable. I feel under the circumstances besetting the Municipality, that it is not practicable to adopt the Pay Commission Report scales of dearness allowance to the very letter, and I appeal to the employees to appreciate the critical position of the finances of the Municipality at the present moment and to reconcile themselves to lower scales of dearness allowance, consistently with the capacity of the Municipality, aided by the Provincial Government, to pay. It is up to the employees to look up to the Municipality as their own, and to try to adjust and accommodate the surrounding elements round about them along with their ownselves, and to wait for better times for effecting a further improvement for themselves along with an all-round improvement of the totality of their environment including the Municipality, the State and other factors. It is in the pursuance of this spirit of mutual give and take that both the employees on the one hand and the Municipality on the other can conjointly advance on the road of progress for the benefit of all. With these observations I proceed to consider the question of dearness allowance.

4f. I am not considering the employees of the Serampore Waterworks appertaining to the Howrah Municipality whose case was dealt with separately in an award of another Tribunal. It will not serve any useful purpose, under the circumstances which I have discussed, to consider the prevailing cost of living index figures in the manner of the Pay Commission. Taking all factors into consideration from the point of view of fairness to the employees and of the capacity of the Municipality to survive even with a reasonable amount of Government aid, I must decide upon a workable formula for dearness allowance. The scales of dearness allowance per month prevailing at present are as stated below:—

Up to Rs. 50 basic pay.

	Rs.
Conservancy menials ...	20
Other menials ...	18
Clerical staff and others ...	20

From Rs. 51 to Rs. 200 basic pay.

	Rs.
All categories of employees ...	20

Above Rs. 200 basic pay.

All employees .. 10 per cent. of basic pay.

4g. In my opinion, there is no justification for making any distinction between one category of employees and another as regards dearness allowance. The dearness allowance for other menials should be the same as for the others. Dearness allowance should be determined solely on the basis of ranges of basic pay irrespective of the posts held, as the question of dearness of commodities affects all equally. One range of basic pay may very well be up to Rs. 50, as at present. Another range should be Rs. 51—100, to meet the needs of employees of medium status. Another range, under the circumstances of our particular case, may

be Rs. 101—250. On giving careful thought to the whole question, I am going to improve the scales of dearness allowance to a small extent, and I regret that it is not practicable under present conditions or under the conditions expected in the near future to do much in this direction. It may be noted that fairly substantial increases in basic pay in the case of lower scale employees has been directed. I give the following directions in my award as regards dearness allowance per month, in respect of all categories of employees without any distinction:—

	Rs.
Up to Rs. 50 basic pay ...	20
From Rs. 51 to Rs. 100 basic pay ...	22
From Rs. 101 to Rs. 250 basic pay ...	25
Above Rs. 250 basic pay .	10 per cent. of pay.

4h. I next take up the question of house-rent allowance as per item (*d*) of Issue No. 2. There is no system of house-rent allowance at present, and what is demanded is an innovation. As regards quarters it appears that quarters have been provided for a good proportion of the conservancy menials. A scheme for quarters for conservancy menials involving a cost of about 4 lakhs of rupees is pending for the consideration of the Government. The Municipality should do its best to induce the Provincial Government to sanction the scheme and provide suitable funds. As regards these and other employees, I regret that no comprehensive scheme of house-rent allowance, on the lines of the Pay Commission Report, can be decided upon for the present and the question should await the arrival of better times for the finances of the Municipality, which the authorities should strive hard to bring about as quickly as possible.

4i. I now pass on to item (*e*) as regards compensatory allowance, which appears to have been considered by the Central Pay Commission for special categories of employees under entirely special circumstances. These circumstances are not in existence in our case. It is therefore not necessary to consider this matter.

4j. Item (*f*) relating to extension of retiring age is next taken up. The present rule is that the age of retirement is 55 years and extensions may be granted in suitable cases up to 60 years. The Central Pay Commission recommended 58 years. After a certain amount of discussion, the Employees Association has decided not to press its demand on the basis of the Pay Commission's recommendation. I therefore give no directions regarding this matter, and the present system will continue.

4k. I then proceed to consider the subject of leave facilities as per item (*g*) of Issue No. 2. In the demands put forward by the Employees Association and in course of the hearing the Association stressed the question of privilege leave alone. The demand is that all employees without any distinction should be allowed one month's privilege leave for every 11 months of service, and such leave should be allowed to be accumulated up to 120 days. No question of casual or any other kind of leave has been raised, and with regard to these the present system will continue. I am to consider the question of privilege leave. At present, under rule 64 of the existing Leave Rules, only persons holding substantive or permanent appointments are eligible for privilege leave. Till recent times, conservancy menials were regarded as tempo employees, and consequently there was no que of leave for them. As regards other menials is persons belonging to the inferior service, present rule as per note under rule 78 is tha one in inferior service shall be granted priv leave if it involves any extra expenses to Municipality. By a recent resolution pas ed the Commissioners of the Municipality, th under rule 78 was proposed to be deleted, under an added rule numbered 78A, it was posed as follows: "No employee in the infe service shall be granted privilege leave if it inv any extra expenses to the Municipality". T follows a list of the categories of inferior serv By proposing to add another rule numbered 7 the Commissioners proposed to provide for days' privilege leave for conservancy men within a calendar year under certain conditi This privilege was previously denied to the con vancy menials, and the proposed rule is a dist advance in favour of this class of workers who now being regarded as permanent employees, is somewhat incongruous that even by propos the new rule 78A, the Commissioners did not m any adequate advance so far as other employee the inferior service were concerned. I underst these new Leave Rules have since been appro by the Government, possibly with effect from April 1946, as proposed by the Commission It is true that under rule 128 of the rules fra under the Bengal Municipal Act sanction of Local Government is required for effecting chan in the Leave Rules. That however does preclude me from making an award on reasona lines, and if necessary, the Commissioners sho approach the Government, in its appropri department, for the necessary sanction. In opinion the present rules regarding privilege le for employees other than conservancy menials other employees in inferior service, under wh privilege leave for one month for every 11 mon of service can be earned and such leave can accumulated up to three months require no cha and are adequate. As regards conservancy men conditions have started to be made better for the in spite of the fact that they stand on a somewh different footing from other menials, as regards t nature and conditions of service, and the provis made by the new rule 78B is a good advance. my opinion, no further advance will be practica for the present, and the results of working the n rule 78B may be watched before making a further proposal for advance. I direct that t proposals in rule 78B should be given effect to regards other employees of the inferior service. am not satisfied that rule 78A is adequate. The is no reason why they should not get some privile leave irrespective of the question of extra expen to the Municipality. There is no objection to th rule 78A being retained for what it is worth und the condition imposed, and on the condition bei fulfilled an employee of the inferior service woul I presume, be entitled to privilege leave just li employees of the superior service. But in m view, a person of the inferior service, as defin under rule 78A should, without being fettered conditions, be entitled to some privilege leave. direct that even when extra expenses to t Municipality may be involved, an employee of t inferior service shall be entitled to 20 day privilege leave out of every 12 month of service (the 12 months including the period leave), and such leave shall be allowed to accumulated up to 60 days. If necessary a pr posal of a new rule on these lines should be su mitted to Government for approval.

4l. It is open to the Government in its appr priate department to sanction the leave rul with effect from 1st April 1946, as proposed b the Commissioners of the Municipality.

4m. Issue No. 2 raises the question as to whether the directions given in my award will take effect from January 1947. This is a matter which, under the law involved in the Industrial Disputes Act, should be left to the discretion of the Government in the Labour Department, and I leave it to be decided by the Government as it thinks fit.

Issues Nos. 3 and 10.

5. I now take up Issues Nos. 3 and 10 relating to the questions of Provident Fund and gratuity respectively. These two issues are taken up together as the questions involved are of an allied nature, and it is not practicable to consider them separately. At present the Provident Fund Rules in existence do not apply to the conservancy menials and to other menials who belong to the inferior service. The Commissioners of the Municipality have put forward a proposal for amendment of the Provident Fund Rules in order to extend the benefit of Provident Fund to all non-pensionable whole-time permanent employees including the inferior service-holders and conservancy menials with retrospective effect from 1st April 1946, and this proposal, I am told, is now pending for the approval of the Provincial Government. The amendment of rule 2 of the Provident Fund Rules on the lines proposed by the Commissioners in order to make the rules applicable to all persons of the conservancy service or of the inferior service as defined in the proposed new rules 78A and 78B of the Leave Rules is a substantial and distinct advance, and I hold that this proposal should be accepted and given effect to. The central factor in these proposals is that the conservancy menials and employees of the inferior service will under the new conditions get the benefit of the Provident Fund system exactly on the same lines as the employees of the superior services. It will of course be open to the Government in its appropriate department to approve of the position that the amended rules will have retrospective effect from 1st April 1946 as proposed by the Commissioners of the Municipality. It has been pointed out that section 69 of the Bengal Municipal Act lays down that the Commissioners of the Municipality can frame rules for Provident Fund, gratuity, etc., subject to the approval of the Provincial Government. This however does not preclude me from making an award on the subject of Provident Fund and gratuity on reasonable lines, and if necessary, the directions given in my award may be incorporated by the Commissioners in the form of a resolution and sent to the Government in its appropriate department for approval. In any case the directions given in my award will be binding on the Municipality.

5a. The next point is about additional contribution under rule 25 of the Provident Fund Rules as sanctioned by Government letter No. 297M., dated 30th January 1928, and recorded by resolution No. 106, dated 14th September 1928. Now that all employees including the conservancy menials have been placed on a permanent footing, and as fairness demands that the benefit of the rule about additional contribution should be available to all employees without any distinction, I hold that this benefit should be extended to the conservancy menials and to other menials in the inferior service and make my award accordingly. I also hold that the language of the first paragraph of sub-clause (*1*) of rule 25 relating to additional contribution should be recast on the following lines:—

> "In addition to the sum payable out of the Provident Fund, any servant who has subscribed to the Provident Fund and has rendered continuous good service for not less than 15 years will, at the time of retirement, be paid an additional contribution at the rate of half a month's pay for each complete year of service rendered by such servant, subject to a maximum of 15 months' pay but not exceeding Rs. 5,000, unless the Commissioners, on the recommendation of the Chairman, decide, for reasons to be recorded, to withhold such privilege from any particular servant. The amount of the contribution shall be calculated on the pay drawn by him at the time of retirement".

There is no objection to the amendment of rule 25, marked "C" proposed by the Commissioners of the Municipality by way of inserting after the words "15 years" the words—

> "Or for such less period as the Government in any particular case may sanction as a special case on the recommendation of the Commissioners at a meeting in consideration of any special fact or circumstances".

So much about the amendment of rule 25.

5b. The Commissioners of the Municipality have proposed that in view of the fact that the conservancy menials have been admitted to the benefits of the Provident Fund Rules, the rules for the grant of Fidelity Bonus to the conservancy menials as sanctioned by the Government in their letter No. 1759, dated 9th September 1942, be cancelled This matter requires further scrutiny. Under the rules relating to Fidelity Bonus the conservancy menials are entitled to some amount in the shape of Fidelity Bonus even if they have done service for less than 15 years provided that they have served for 5 years or more. Under the amended rule 25 of the Provident Fund Rules the benefit of additional contribution will not ordinarily be available to any employee who has done less than 15 years' service. There is no reason why the previous privilege relating to Fidelity Bonus available to conservancy menials with service between 5 and 15 years should be discontinued. It is noticeable that in the new proposal of the Commissioners relating to cancellation of the rules for the grant of Fidelity Bonus, there is no mention about the cancellation or retention of the gratuity rules for inferior service, under which employees of the inferior service would be entitled, on retirement, to a lump sum even after having done less than 15 years' service, provided that the service is not less than 5 years' duration. Here again there is no reason why by extending the benefit of the rule regarding additional contribution under the amended rule 25 of the Provident Fund Rules to employees of the inferior service, persons who have done less than 15 years' service should be deprived from existing privilege. I therefore hold that the Commissioners of the Municipality, after securing the approval of the Government in its appropriate department, should introduce the following modifications of the rules in respect of the conservancy menials and the employees of the inferior service as now defined in the new rule 78A of the Leave Rules. The definition of "inferior service" in the existing gratuity rules for inferior service should be changed and brought in line with the note to the new rule 78A of the Leave Rules. In cases of conservancy menials or of employees in inferior service as now defined, where the benefit of additional contribution under the amended rule 25 of the Provident Fund Rules does not become available for the reason that such employees have not done service for 15 years or more, the benefit of the existing rules relating to Fidelity Bonus applicable to conservancy menials and of the existing gratuity rules for inferior service made applicable to all employees of inferior service as now defined should continue to be applied to such conservancy menials or employees of the inferior

service as the case may be. The gist of the matter is that in the cases of conservancy menials and employees of the inferior service, even a period of service from 5 years up to 15 years would entitle them on retirement, to such amounts as they would be entitled to get under the existing rules. In the cases of those employees who have done service for 15 years or more the provision regarding additional contribution under rule 25 of the Provident Fund Rules would come into operation, and the rules regarding Fidelity Bonus or the gratuity rules for inferior service would not be applicable. I direct that the Commissioners of the Municipality should put forward modified proposals on these lines and submit those proposals, if necessary, to the Government in its appropriate department for approval.

5c. I next proceed to deal with the subject of gratuity under Issue No. 10. The demand of the Employees Association in this respect is couched in words which are rather vague and unintelligible. This subject should be expressed in a precise form, and it is not clear what the Association really meant. What I have said above means that apart from the benefit of a Provident Fund for all categories of employees without any distinction they would all be entitled to a certain lump sum at the time of retirement either under the amended rule 25 of the Provident Fund Rules, relating to additional contribution, or under the rules relating to Fidelity Bonus, or under the gratuity rules for inferior service, as the circumstances of particular cases may require. That position really amounts to a grant of gratuity as distinguished from the benefit of a Provident Fund. The directions set forth above really mean that both kinds of benefit will be available to all categories of employees. There is, therefore, no need to consider the question of gratuity from any other angle. Some practical difficulties may arise in connection with the computation of length of service in respect of conservancy menials for whom no service records were hitherto maintained. These difficulties may arise in connection with the question of additional contribution or Fidelity Bonus which may be payable to an employee at the time of retirement. In the absence of proper service records, the periods of service rendered will have to be computed on independent evidence of direct or circumstantial character, and that evidence may be oral or otherwise. It is expected that the authorities of the Municipality will carry out this task of computing the length of service with a sympathetic outlook.

5d. The question under Issue No. 3(a) is whether immediate effect can be given to the new Provident Fund scheme with retrospective effect from 1st April 1946. This matter will depend on the orders of the Government in its appropriate department, and it is open to the Government to direct that the new scheme will have retrospective effect from 1st April 1946 as proposed by the Commissioners of the Municipality.

5e. The question under Issue No. 3(b) is what should be the rates of subscriptions and contributions to the Provident Fund. So long the benefits of the Provident Fund were not given to the conservancy menials or to employees of the inferior service. They have now been made available to them. In addition all employees will get the benefit of lump sums in the nature of gratuities payable to them on retirement. In the face of these two-fold benefits which will now be available, it will not be proper for the Employees Association to insist on any increase of the rates of subscriptions and contributions to the Provident Fund over the present rate of 6¼ per cent., particularly in the light of the present deplorable financial condition of the Municipality. I, therefore, direct that the rate will for the present continue to be 6¼ per cent. till better times arrive

Issue No. 4.

6. I next proceed to consider Issue No. relating to the question of provision for the men in respect of suitable quarters and suitable uniforms. As already discussed in connection with the question of house-rent allowance under Issue No. 2, a good proportion of the conservancy menials have already been provided with quarters, and a comprehensive scheme of building quarters for all conservancy menials likely to cost about 4 lakhs of rupees is pending for the consideration of the Government. At the present moment, in view of the extremely adverse financial condition of the Municipality it does not seem practicable to consider any broad scheme of building quarters for all categories of menials. In the preceding paragraphs the more important questions of basic pay, gradation of pay, dearness allowance, provident fund and gratuity have been considered and I have directed substantial improvements, inspite of the financial stringency which obtains at the moment. After having done all that, though not to the extent which I would personally desire, I do not think it will be fruitful to go into the question of furnishing quarters for the menials at the present stage. The Municipality however should pay its earnest attention to this question and do something substantial as soon as practicable.

6a. The next question is about suitable uniforms for the menials. It is mentioned in the statement submitted by the Municipality that uniforms are provided for outdoor menials other than conservancy menials, but in recent times owing to the circumstances of Government control in respect of cloth, such uniforms could not be regularly supplied. Now that the control in respect of cloth has been withdrawn, and suitable cloth is likely to be available in the open market at reasonable prices in the near future, I direct that the practice of supplying suitable uniforms to outdoor menials other than conservancy menials be regularly carried out, as soon as the circumstances permit. As regards the question of supplying uniforms to the large number of conservancy menials, the matter should be sympathetically considered by the Municipality as soon as the financial condition is placed on a more sound footing.

Issue No. 5.

7. Taking up Issue No. 5 relating to the question of retrenchment of the existing staff, I observe that the demand of the Employees Association that there should be no retrenchment of the existing staff does not seem to be reasonable from the practical standpoint. There may be various circumstances necessitating action by way of retrenchment of unnecessary personnel, and it will be unreasonable to fetter the discretion of the employers in the matter of taking such appropriate action under suitable circumstances as may be necessary in the interest of efficiency or economy or otherwise. It will, however, be reasonable to lay down the principle of "Come last go first" that is to say, the principle that when retrenchment has to be carried out for legitimate reasons employees with the least period of service should be eliminated first, and employees with longer period of service should be retained, as far as practicable. It will also be a salutory rule to observe that new appointments should not be made so long as retrenchment is carried out, and sincere

ts should be made to absorb surplus personnel ar as practicable. With regard to this issue ake my award accordingly.

Issue No. 6.

Coming to issue No. 6 regarding the rate onveyance allowance for outdoor officers I find a conveyance allowance meant ordinarily for up-keep of a bicycle is allowed to outdoor loyees such as Overseers, Sub-Overseers, itary Inspectors, Medical Inspectors, Vaccinat- Inspectors, Collection Inspectors, License ectors, Ward Surveyors, Amins, etc. It ars that the conveyance allowance for old loyees appointed up to 1935 was Rs. 10 per nth, and that fixed for new employees appointed r 1935 was fixed at Rs. 5 per month. I do see any justification for maintaining this gence as the expenses involved must be the e in all cases. I, therefore, direct that the veyance allowance should be equal for all em- ees old and new who may be entitled to it er the rules, and it should be fixed at Rs. 10 month.

Issue No. 7.

I now pass on to Issue No. 7 relating to time allowance. It appears that the hours of k in the office of the Municipality are at pre- t from 10 a.m. to 4 p.m. without any recess, i is to say, the number of working hours is 6. work beyond these hours will count as over- e work. It is represented on behalf of the nicipality that in the cases of some particular loyees work beyond the usual closing hour of office has necessarily to be done, and it is not sible to avoid this kind of overtime work. instance, the Chairman's clerk and those who e to work in connection with meetings which ally take place after the office hours, or some loyees who have to work in connection with some godown, or do despatch work have to work occasionally beyond the usual office hours. further appears that some employees like the irman's clerk, the Vice-Chairman's clerk, the es godown assistant, the meeting daftry, erlies of the Chairman, Vice-Chairman and the retary and others are paid certain consolidated owances as remuneration for over-time work ich they have to do. It is likely, however, that e cases of over-time work are not being re- nerated in that manner or as I gather that ra allowances for over-time work are paid in Motor Workshop, the General Workshop and ain other places where work of a mechanical l technical character is done. On the whole re is no regular system for payment of extra owances for over-time work which is occasion- y done by different categories of employees. giving careful consideration to all facts and cumstances I give the following directions, ating to the subject of over-time allowance.

(a) The working hours in the office should be hours preferably with half an hour's gap by way a recess, and the starting and closing hours may determined by the authorities of the Municipa- y according to the convenience of all concerned. ork done beyond the recognised office hours will unt as over-time work. Ordinarily speaking, er-time work should be avoided as far as prac- able. The circumstances relating to the working the Municipality are such that it may not always practicable to avoid over-time work particularly ith regard to certain aspects of the working in hich the Commissioners of the Municipality who e non-official gentlemen are involved. There is thing before me to indicate that the present stem of paying consolidated allowances to employees like the Chairman's clerk, Vice-Chairman's clerk, the orderlies of the Chairman and the Vice-Chairman and the Secretary, the meeting daftry and others are unreasonably low in consideration of the quantity of over-time work they usually have to do. The present system of payment of consolidated allowances to such employees should therefore continue. The question that really arises for my consideration under this issue relates to employees who are actually employed on over-time work from time to time, and yet are not paid either any consolidated allowance or any extra remuneration whatever. As I have already said work done beyond the usual office hours which will be 6 apart from any recess period which may be introduced will count as over-time work. The calculation of the quantity of over-time work done in the office should not be difficult. Difficulties may however arise in the cases of employees who do both outdoor work and work in the office. It has been brought to my notice that despatch peons, for example, belong to this category of employees. With regard to such employees and others, it will not be necessary for the Municipality to insist on punctual attendance at the usual starting hour and the authorities of the Municipality will be at liberty to fix suitable working hours for such employees. The question may arise as to how the hours spent on outdoor work are to be converted in terms of work at the office, in order to determine whether any over-time work beyond the usual 6 hours is being done or not. It will not be reasonable or safe to count all the hours spent outside by outdoor workers of this nature as solid working hours in the usual sense of the term, as I fear that the tendency on the part of some at least may be to while away time unnecessarily on so-called outdoor work. The authorities should be at liberty to devise some method of converting hours spent on outdoor work in terms of working hours in the office on a reasonable and sensible basis, so that chances of dilatoriness on the part of the employees may be eliminated as far as practicable. The last question is what should be the remuneration for over-time work which may be actually done by employees of different categories. I direct that the allowance for over-time work shall be one and a half times of the usual wages payable to the employee concerned on the footing that he is being paid so much per month consisting of 30 days each day being equivalent to 6 hours.

Issue No. 8.

10. I next proceed to take up Issue No. 8, the question being what should be the principles of filling up vacancies by promotion or otherwise. The question of filling up vacancies should of course be regulated by the rules in existence as regards the qualifications required and other factors. The demand of the Employees Association seems to be that proper scope for promotion to higher appointments should be given to efficient employees who may not have the requisite academic qualifications, and what is asked for is that the rule of minimum academic qualifications should be relaxed to some extent, if an experienced employee is found otherwise fit and efficient. This demand of the Employees Association appears to me to be quite reasonable, and I have no doubt that the Commissioners of the Municipality would not mind relaxing the rule regarding minimum academic qualifications in suitable cases. I therefore direct that in considering the question of filling up vacancies the question of promoting suitable persons from lower ranks should be taken into consideration, and mere rule of minimum academic qualifications should not stand in the way if an experienced person in the lower ranks is found otherwise fit. The question of fitness and efficiency must of course be left to the judgment of the authorities.

Issue No. 9.

11. I next take up Issue No. 9 which raises the question of consultation with the Employees Association on matters relating to appointment, transfer, dismissal and promotion. After a certain amount of discussion it is conceded on behalf of the Employees Association that in case of difference of opinion on matters like this the views of the Commissioners of the Municipality should prevail. The Association has contended that there should be previous consultation, while the Municipality has stated that it has no objection to consider the suggestions of the Employees Association. So far as I can see a system of previous consultation may not ensure speedy working of the machinery of administration, but the matter may be considered later on when the Association reaches further stages of development in respect of efficiency and speedy disposal of work. Under present conditions I am unable to direct that in every case the authorities of the Municipality should consult the Employees Association beforehand. I direct however that in matters of appointment, transfer, dismissal, promotion, etc., the authorities of the Municipality should consult the Employees ciation and consider its suggestions with sym as far as practicable. In conclusion I should to impress on both the employers and the empl that it is only in a spirit of mutual appreciati the needs of each other that they can ensur advancement of both, and that neither can exist or thrive without the other and it may, t fore, be legitimately hoped that both sides work in an atmosphere of complete amity goodwill.

S. N. MODAK, *Chairm*
Industrial Tribun

The 26th February 1948.

By order of the Gove
S. K. CHATTERJEE
Secy. to the Govt. of West Be

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION.

No. 4065D.C.S.—24th March 1948.—In exercise of the powers conferred on me by the first proviso to paragraph 11 of the West Bengal Cotton Cloth and Yarn Control Order, 1947, I hereby extend up to the 15th day of April 1948 the time for filing of applications under the said order for renewal of licenses which shall cease to be valid after the 31st day of March 1948

Thereafter such applications shall be acce up to the 30th day of April 1948 if they accompanied by the ordinary fees payabl referred to in paragraph 5 of the said order 50 per cent. (fifty per centum) extra, only on defaulters satisfying the Licensing Officers cerned that failure to renew by the 15th day April 1948 was due to unavoidable circumsta or other reasonable grounds.

P. R. SINHA
Director of Textil

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THE BENGAL LEGISLATIVE
CALCUTTA.

The Calcutta Gazette

Extraordinary

Published by Authority

SATURDAY, MARCH 27, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Political.

NOTIFICATION.

No. 1759P.—25th March 1948.—Whereas the Provincial Government is of opinion that the organisation known by the name of the Communist Party of India and its Committees, Sub-Committees, Branches and Communes and also its volunteer organisations, including the Red Guards, have for their object interference with the administration of the law and the maintenance of law and order and constitute a danger to the public peace;

Now, therefore, in exercise of the powers conferred by section 16 of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), the Provincial Government is pleased to declare the said organisation, its Committees, Sub-Committees, Branches and Communes and its volunteer organisations, including the Red Guards, to be unlawful.

By order of the Governor,

R. GUPTA,

Secy. to the Govt. of West Bengal.

OFFICE OF THE DIRECTOR OF RATIONING AND DISTRIBUTION.

NOTIFICATIONS.

No. 108(L.L.).—23rd March 1948.—Under clauses 44 and 49 of the Calcutta Industrial Area Rationing Regulations, 1943, and in supersession of notification No. 53 (L.L.), dated the 24th February 1948, published in the *Calcutta Gazette, Extraordinary* of the 26th February 1948, I hereby direct that in the Calcutta Industrial Area as specified in Schedule "A" to the said Regulations, each appointed retailer shall sell the different qualities of rice mentioned in column 1 of the Schedule below at prices not exceeding those specified in the corresponding entries in column 2 of that Schedule:—

The Schedule.

1 Quality of rice.	2 Price per seer.
Fine	.. 10 as. 6 ps.
Aman other than Fine	.. 7 as.
Aus	.. 6 as. 6 ps.

No. 109(L.L.).—23rd March 1948.—Under clauses 46 and 51 of the Calcutta Industrial (Extended) Area Rationing Regulations, 1944, and in supersession of notification No. 54(L.L.), dated the 24th February 1948, published in the *Calcutta Gazette, Extraordinary* of the 26th February 1948, I hereby direct that in the Calcutta Industrial (Extended) Area as specified in Schedule "A" to the said Regulations, each appointed retailer shall sell the different qualities of rice mentioned in column 1 of the Schedule below at prices not exceeding those specified in the corresponding entries in column 2 of that Schedule:—

The Schedule.

1 Quality of rice.	2 Price per seer
Fine	.. 10 as. 6 ps
Aman other than Fine ..	.. 7 as.
Aus	.. 6 as. 6 ps

By order of the Governor,
D. K. GHOSH,
Director of Rationing and Distribution.

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LIBRARY OF THE BENGAL LEGISLATURE CALCUTTA.

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 576L.—27th March, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL DISTRICT SCHOOL BOARDS (AMENDMENT) BILL, 1948.

A

BILL

to amend the West Bengal District School Boards Act, 1947.

WHEREAS the district of Navadwip has been renamed as the district of Nadia on and from the 26th day of February, 1948;

AND WHEREAS it is expedient to amend the West Bengal District School Boards Act, 1947, in the manner hereinafter appearing; West Ben. Act IV of 1947.

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the West Bengal District School Boards (Amendment) Act, 1948.

(*2*) It shall be deemed to have come into force on the 26th day of February, 1948.

The West Bengal District School Boards (Amendment) Bill, 1948.

(Clauses 2—4.)

Amendment of the second preamble to West Bengal Act III of 1947.

2. In the second preamble to the West Bengal District School Boards Act, 1947 (hereinafter referred to as the said Act), for the word "Navadwip" the word "Nadia" shall be substituted.

Amendment of section 4.

3. In sub-section (*1*) of section 4 of the said Act, for the word "Navadwip" the word "Nadia" shall be substituted.

Amendment of section 6.

4. In section 6 of the said Act, for the word "Navadwip" the word "Nadia" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The district of Navadwip has been renamed as the district of Nadia. It is therefore proposed to amend the West Bengal District School Boards Act, 1947, by substituting the word "Nadia" for "Navadwip".

Rai HARENDRA NATH CHAUDHURI,
Minister-in-charge.

CALCUTTA:
The 24th March, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal

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THE BENGAL LEGISLATURE CALCUTTA.

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Political.

NOTIFICATION.

1759/A-P.—25th March 1948.—Whereas ercise of the powers conferred by sub-section of section 16 of the Indian Criminal Law ndment Act, 1908 (XIV of 1908), the Governor by notification No. 1759P., dated the 25th h 1948, declared the Communist Party of and its Committees, Branches and Communes also its Volunteer Organisations, including Red Guards, to be unlawful associations;

d whereas the place specified and described he schedule hereto annexed is used for ses of the said unlawful associations;

w, therefore, in exercise of the powers con- l by sub-section (*1*) of section 17A of the n Criminal Law Amendment Act, 1908 (XIV 08), the Governor is hereby pleased to notify said place as place which is used for the ses of unlawful associations.

Schedule.

four-storied building being premises No. 8E, s Lane, Calcutta, used for the location of anasakti Press, the *Swadhinata* Office, the Provincial Headquarters of the Communist Party of India, Bengal Branch, and the Party Commune, bounded on the—

North -By premises No. 8/1, Dacres Lane.

East—By premises No. 9, Dacres Lane.

South—By Crooked Lane.

West—By Dacres Lane.

By order of the Governor,

R. GUPTA,

Secy. to the Govt. of West Bengal.

FINANCE DEPARTMENT.

Taxation.

NOTIFICATION.

No 471F.T.—31st March 1948.—In exercise of the powers conferred by section 27 of the Bengal Excise Act, 1909 (Bengal Act V of 1909), and in supersession of notification No. 357F.T., dated 20th December 1947, the Governor is pleased to make the following order, namely:—

Order.

An Excise duty or a countervailing duty, as the case may be, shall be imposed on *ganja* in the

respective areas mentioned in column (1) of the table below at the rate specified against each in column (2) thereof :—

Table.

Area.	Rate of duty per seer of *ganja*.
(1)	(2)
	Rs. a. p.
(1) (*i*) Whole of the Calcutta district	
(*ii*) Police-stations Matiabruz, Maheshtola, Bohala, Tollygunge and Budge-Budge in the Sadar subdivision and whole of the Barrackpur subdivision of the 24-Parganas district.	
(*iii*) Sadar subdivision and police-stations Uluberia and Bowria in the Uluberia subdivision of the Howrah district.	295 9 9
(*iv*) Police-stations Chinsura and Magra in the Sadar subdivision and police-stations Serampore, Uttarpara and Bhadreswar in the Serampore subdivision in the Hooghly district.	
(2) Whole of the districts of West Dinajpur, Malda and Murshidabad.	237 1 9
(3) Other areas in the province ..	267 1 9

II. This notification shall come into force with effect from the 7th April 1948.

By order of the Governor,
S. K. MUKHARJI,
Secy. to the Govt. of West Bengal.

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

No. 4227D.C.S.—30th March 1948.—In exer of the power conferred by sub-section (1) section 3 of the Essential Supplies (Tempor Powers) Act (XXIV of 1946) read with clause of sub-section (2) of that section and the notifi tion No. 349, dated the 10th April 1947, of Government of India in the Department Industries and Supplies, the Governor is plea to make the following amendment in the W Bengal Soft Coke Distribution Order, 19 namely :—

Amendment.

To sub-paragraph (*1*) of paragraph 11 of t said Order, *add* the following proviso, namely :

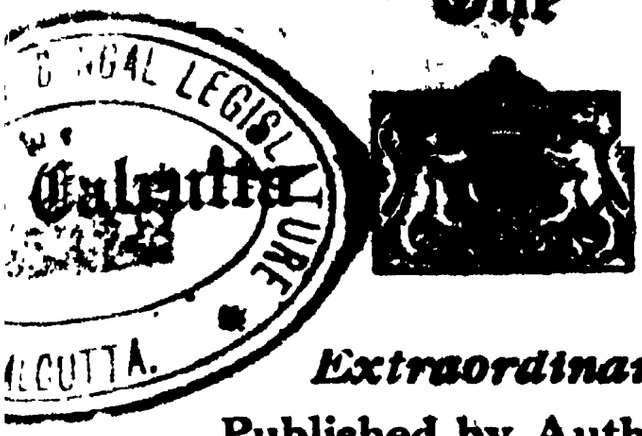
"Provided that the Director may, by notific tion in the *Official Gazette*, extend the period validity of existing licenses for such further peri beyond the 31st March hereinbefore mentioned he may, for reasons to be recorded in writin think fit."

By order of the Governor

A. D. KHAN,
Secy. to the Govt. of West Bengal

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RT I—Orders and Notifications by the Governor of st Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATIONS.

No. 409A.R.—31st March 1948.—The following otification by the Secretary to the Governor of est Bengal is hereby published for general formation :—

"Notification No. 1608S., dated the 31st March 48—In His Majesty's name, His Excellency the overnor has assented to the West Bengal inisters' Emoluments Bill, 1948.

S. N. RAY,
Secretary to the Governor".

By order of the Governor,
P. C. ACHARJI,
Dy. Secy. to the Govt. of West Bengal.

No. 410A.R.—31st March 1948.—The followi notification by the Secretary to the Governor of West Bengal is hereby published for gener information:—

"Notification No. 1609S., dated the 31st Mar 1948.—In His Majesty's name, His Excellency th Governor has assented to the West Bengal Finan (Amendment and Repeal) Bill, 1948.

S. N. RAY,
Secretary to the Governor".

By order of the Governor,
P. C. ACHARJI,
Dy. Secy. to the Govt. of West Bengal

FINANCE DEPARTMENT.

Taxation.

NOTIFICATION.

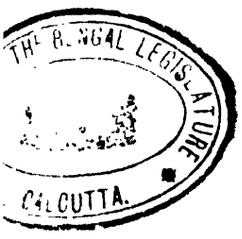
No. 470F.T.—31st March 1948.—In exercise o the power conferred by sub-section (*1*) of section 8 of the Government of India Act, 1935, th Governor is pleased to direct that the West Benga Finance (Amendment and Repeal) Act, 194 (West Bengal Act X of 1948), shall apply to th Darjeeling district.

By order of the Governor
S. K. MUKHARJI,
Secy. to the Govt. of West Beng

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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 596L.—31st March, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information:—

West Bengal Act IX of 1948

THE WEST BENGAL MINISTERS' EMOLUMENTS ACT, 1948.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 31st March, 1948.]

An Act to fix the salaries and allowances of the Governor's Council of Ministers.

WHEREAS it is expedient to fix the salaries and allowances of the Governor's Council of Ministers;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the West Bengal Ministers' Emoluments Act, 1948.

(*2*) It shall come into force on the 1st day of April, 1948.

Salary.

2. There shall be paid a salary to each of the Ministers (including the Premier) at the rate of seven hundred and fifty rupees *per mensem*.

Allowances.

3. In addition to the salary referred to in section 2, there shall be paid—

(*a*) a sumptuary allowance at the rate of—

(*i*) five hundred rupees *per mensem* to the Premier, and

(*ii*) two hundred and fifty rupees *per mensem* to each of the other Ministers; and

(*b*) a motor-car allowance at the rate of two hundred and fifty rupees *per mensem* to each of the Ministers (including the Premier):

Provided that if for any period exceeding thirty days a motor-car is made available to any Minister for his use at the expense of the Provincial Government, no motor-car allowance shall be payable under this clause to such Minister for such period.

Repeal of Bengal Act of 1937.

4. The Bengal Ministers' Salaries Act, 1937, is hereby repealed. Ben. Act I of 1937.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 5971.—31st March, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information :—

West Bengal Act X of 1948

THE WEST BENGAL FINANCE (AMENDMENT AND REPEAL) ACT, 1948.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 31st March, 1948.]

An Act to amend certain Acts and to repeal certain other Acts.

WHEREAS it is expedient to re-enact with certain modifications the provisions of certain Finance Acts made by the Governor of Bengal under the legislative powers assumed to himself under the Proclamation, dated the 31st March, 1945, issued under section 93 of the Government of India Act, 1935, and for that purpose to make certain amendments in certain other Acts and to repeal the Bengal Finance Act, 1939 ; 26 Geo. V, c. 2.

AND WHEREAS since the said Acts made by the Governor of Bengal will, by virtue of the provisions of article 6 of the India (Provisional Constitution) Order, 1947, read with sub-section (*4*) of the said section 93, cease to have effect on such re-enactment, it is expedient that these Acts should be expressly and specifically repealed ; Ben. Act IX of 1939.

It is hereby enacted as follows :—

Short title. **1.** This Act may be called the West Bengal Finance (Amendment and Repeal) Act, 1948.

Temporary amendment of Bengal Act V of 1922. **2.** During the period ending the 31st March, 1949—

(*1*) the rate of entertainments tax prescribed in sub-section (*3*) of section 3 of the Bengal Amusements Tax Act, 1922 (hereinafter in this section referred to as the said Act), shall, in the case of payments for admission to any cinematograph exhibition, be deemed to be as if for items (*i*) to (*ix*) of the scale of rates specified in the said sub-section the following items had been substituted, namely,— Ben. Act V of 1922.

"(*i*) is more than three annas but is not more than four annas	half an anna,
(*ii*) is more than four annas but is less than eight annas	one anna,
(*iii*) is eight annas or more but is less than twelve annas	two annas,
(*iv*) is twelve annas or more but is less than one rupee	three annas,
(*v*) is one rupee or more but is less than one rupee four annas	four annas,
(*vi*) is one rupee four annas or more but is less than one rupee eight annas ..	five annas,
(*vii*) is one rupee eight annas or more but is less than one rupee twelve annas ..	six annas,
(*viii*) is one rupee twelve annas or more but is less than two rupees ..	eight annas,
(*ix*) is two rupees or more but is less than two rupees eight annas ..	twelve annas,
(*x*) is two rupees eight annas or more but is less than three rupees eight annas	one rupee,
(*xi*) is three rupees eight annas or more ..	one-third of the payment excluding the amount of the tax, provided that where the amount of the tax so calculated is not a multiple of eight

The West Bengal Finance (Amendment and Repeal) Act, 1948.

(Sections 3—5.)

annas the tax payable shall be the amount of the tax so calculated rounded off to the nearest eight annas",

and the entertainments tax imposed under the said sub-section on payments for admission to any cinematograph exhibition shall be charged, levied, and paid to the Provincial Government accordingly ;

(*2*) in section 15 of the said Act, —

(*a*) the words and figures "as from the second day of April, 1922" shall be deemed to be omitted, and

(*b*) for the words "four *per cent.*" in both places where they occur, the words "twenty *per cent.*" shall be deemed to be substituted,

and the totalisator tax imposed under the said section 15 shall be charged, levied, and paid to the Provincial Government accordingly ; and

(*3*) in section 18 of the said Act, —

(*a*) the words and figures "as from the second day of April, 1922" shall be deemed to be omitted, and

(*b*) for the words "four *per cent.*" the words "twenty *per cent.*" shall be deemed to be substituted,

and the betting tax imposed under the said section 18 shall be charged, levied, and paid to the Provincial Government accordingly.

Temporary amendment of Bengal Act X of 1935.

3. During the period ending the 31st March, 1949, for article (*1*) of the rates of duty specified in the First Schedule to the Bengal Electricity Duty Act, 1935, the following article shall be deemed to be substituted, namely :— Ben. Act X of 1935.

"(*1*) in respect of all premises not falling under article (*2*) -

(*a*) when the net charge of the license for the supply of energy for the purpose of lights or fans or both does not exceed three annas for each unit of energy consumed as follows, namely—

in the case of a consumer whose consumption of energy during the month to which the calculation of duty relates,

(*i*) does not exceed fifteen units	nil,
(*ii*) exceeds fifteen units but does not exceed fifty units	six pies for each unit of energy consumed,
(*iii*) exceeds fifty units ..	one anna for each unit of energy consumed,
(*b*) in other cases ..	six pies for each unit of energy consumed.

Explanation.—In this article the expression 'net charge' means the amount of charge that remains after deduction from the charge of the licensee for the supply of energy any rebate allowed by the licensee for prompt payment."

and the electricity duty imposed under section 3 of the Bengal Electricity Duty Act, 1935, shall be charged, levied, and paid to the Provincial Government accordingly.

Amendment of section 5 of Bengal Act VI of 1941.

4. In section 5 of the Bengal Finance (Sales Tax) Act, 1941— Ben. Act VI of 1941.

(*a*) in sub-section (*1*), for the words "one-half" the words "three-quarters" shall be substituted; and

(*b*) in clause (*b*) of sub-section (*2*), for the words "three *per centum*" the words "four and one-half *per centum*" shall be substituted.

Repeal of Bengal Act IX of 1939.

5. The Bengal Finance Act, 1939, is hereby repealed : Ben. Act IX of 1939.

Provided that without prejudice to the provisions of the Bengal General Clauses Act, 1899, relating to the effect of repeals, this repeal shall not affect— Ben. Act I of 1899.

(*a*) the recovery of any tax, the liability in respect of which accrued under the Bengal Finance Act, 1939, before such repeal, or the liability for any penalty in respect of the non-payment of such tax, or the grant of any refund of such tax ; or

The West Bengal Finance (Amendment and Repeal) Act, 1948.

(Section 6 and the Schedule.)

(*b*) the continuance of any rules made under the Bengal Finance Act, 1939, in so far as such continuance may be necessary for such recovery or for any investigation, legal proceeding or remedy in respect of such liability, Ben. Act IX of 1939.

and any such liability may be enforced or refund granted or investigation, proceeding or remedy instituted, continued or enforced, as if this Act had not been passed.

Repeal of certain Acts.

6. The Acts specified in the Schedule are hereby repealed to the extent mentioned in the corresponding entries in the fourth column thereof.

THE SCHEDULE.

REPEALS.

(*See* section 6.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1945	II	The Bengal Finance Act, 1945 ..	The whole.
1945	VIII	The Bengal Finance (Sales Tax) Amendment Act, 1945.	The whole.
1945	IX	The Bengal Finance (No. II) Act, 1945 ..	The whole.
1946	III	The Bengal Finance (Repealing) Act, 1946	The whole.

By order of the Governor
B. K. GUHA,
Secy. to the Govt. of West Bengal

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

FINANCE DEPARTMENT.

Taxation.

NOTIFICATION.

No. 481F.T.—1st April 1948.—In exercise of the power conferred by sub-section (*1*) of section 99 of the Government of India Act, 1935, the Governor is pleased to direct that the Indian Finance Act, 1948 (Act XX of 1948), shall apply to the Darjeeling district on and from the 1st April 1948.

By order of the Governor,
B. DAS GUPTA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Govt. Ptg., West Bengal, at the West Bengal Govt. Press, Alipore, on the 1st April 1948.

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The Calcutta Gazette

Extraordinary

Published by Authority

FRIDAY, APRIL 2, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Medical.

NOTIFICATION.

No. Medl. 2D-37/48.—1st April 1948.—In exercise of the power conferred by section 18 of the Drugs Act, 1940 (XXIII of 1940), and in partial supersession of the notification of the Government of Bengal in the Department of Health and Local Self-Government No. Medl. 2D-16/46, dated the 8th March 1947, the Governor is pleased to fix the 1st October 1948 as the date for the purposes of sub-clause (*iii*) of clause (*a*) of the said section.

By order of the Governor,
S. K. GUPTA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Govt. Ptg., West Bengal, at the West Bengal Govt. Press, Alipore, on the 2nd April 1948.

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SATURDAY, APRIL 3, 1948

ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

No. 4085D.C.S.—24th March 1948.—In exercise the power conferred by sub-section (*1*) of section of the Essential Supplies (Temporary Powers) t, 1946 (XXIV of 1946), read with clause (*c*) sub-section (2) of that section and with the nfication of the Government of India in the partment of Food, No. PY603(2)1, dated the October 1946, published in the *Gazette of ia, Extraordinary*, dated the 21st October 1946, subsequently amended, the Governor, with the currence of the Central Government, is pleased make the following amendment in order 2826D.C.S., dated the 27th February 1946,

published in the *Calcutta Gazette, Extraordinary* dated the 9th March 1946, as subsequently amended, namely:—

Amendment.

In the Schedule to the said Order *for* the entries:—

"Aus and Coarse Aman	6as. 6ps. (six annas and six pies),
Medium Aman	... 7as. (seven annas),
Fine	... 10as. 6ps. (ten annas and six pies)",

substitute the following entries:—

"Fine	... 10as. 6ps. (ten annas and six pies),
Aman other than Fine	7as. (seven annas),
Aus	... 6as. 6ps. (six annas and six pies)".

By order of the Governor,

E. G. CREEK,

Dy. Secy to the Govt. of West Bengal.

Printed and published by the Superintendent, Govt. Printing, West Bengal, at West Bengal Govt. Press, Alipore, on the 3rd April 19

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The

Calcutta Gazette

Extraordinary

Published by Authority

MONDAY, APRIL 5, 1948.

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF COMMERCE, LABOUR AND INDUSTRIES.

Labour.

ORDER.

No. 1019Lab.—2nd April 1948.—Whereas under the Government of West Bengal, Commerce, Labour and Industries Department, Order No. 903Lab., dated the 1st December 1947, the industrial dispute between Calcutta University and its employees as represented by Calcutta University Employees' Association, Senate House, Calcutta, was referred for adjudication to Mr. S. N. Modak, I.C.S. (Retd.);

And whereas the said Mr. S. N. Modak, I.C.S. (Retd.), has given the award as shown in the annexure hereto;

Now, therefore, in exercise of the powers conferred by sub-section (*2*) of section 15 read with sub-section (*3*) of section 19 of the Industrial Disputes Act, 1947 (XIV of 1947), the Governor is pleased to make the following order and to direct with reference to section 17 of the said Act that the award be published in the *Calcutta Gazette*.

The award made by the said Mr. S. N. Modak, I.C.S. (Retd.), shall bind the University aforesaid and its employees as specified therein and shall remain in operation for a period of six months with effect from the date of this order.

ANNEXURE.

BEFORE SHRI S. N. MODAK, I.C.S. (RETD.), *Chairman, Industrial Tribunal, Calcutta.*

In the matter of the industrial dispute between Calcutta University and its employees as represented by Calcutta University Employees' Association.

AWARD.

1. By Commerce, Labour and Industries Department (Labour) Order No. 903Lab., dated the 1st December 1947, this industrial dispute between Calcutta University and its employees as represented by Calcutta University Employees' Association, has been referred to me for adjudication. The following is a brief history of the dispute. The categories of employees involved in the dispute are—

(1) the Ministerial staff and technicians and laboratory assistants,

(2) the lower subordinate staff formerly known as menial staff,

(3) the University Press Employees (manual workers).

On 15th May 1946, the ministerial staff submitted a memorandum to the University authorities asking for revision of their salaries, Provident Fund rate, etc. On 18th December 1946, the University Press workers through their Association named Press Employees' Association submitted a similar memorandum. On 2nd January 1947, the lower subordinate staff also submitted another memorandum. The Calcutta University Employees' Association consisting of members belonging to all the three abovementioned categories of employees was formed, and this Union was registered under the Indian Trade Unions Act on 6th February 1947. The Employees' Association submitted a fresh memorandum on 6th March 1947 on behalf of the ministerial staff and others. As no immediate steps could be taken by the University, the Association forwarded a strike notice on 21st March 1947. Thereafter certain negotiations between the Association and the University authorities took place resulting in an interim settlement by which, among other things, a scheme of interim increment in basic salaries was introduced with effect from 1st January 1947. It was arranged that the University would consider all the proposals of the Association in a comprehensive manner in the near future. The matter, however, could not be settled at an early date. On 13th October 1947, an Association, in a general meeting held for the purpose, passed a resolution directing that all overtime and holiday work should be stopped. Eventually, the dispute was referred to this Tribunal as already stated.

1 (*a*). On the statements submitted by the parties the following issues were framed:—

(1) (*a*) Which, if any (and to what extent) of the demands of the Calcutta University Employees' Association as made in its statement before the Tribunal should be granted?

(*b*) To what extent should the scheme proposed by the University as per annexure "R" of the University's statement, or any portion of it, be accepted and/or made operative?

(2) Should the orders of suspension in respect of Jagannath Naik and/or Girish Chandra Datta be cancelled? If so, on what terms?

(3) Should the order, dated 30th November 1947, served on Parameswar Routh, Mukunda Rauth, Bholanath Misra, Shyam Lal Ram, Bishu Makura, be set aside?

(4) Should there be immediate or any payment of emoluments made to the 50 persons specified in clause "D" of Section IV of the Association's Statement?

2. Before I proceed to consider my award in respect of the different issues raised in this dispute, it will be useful at this stage to go into the subject of the financial condition of the Calcutta University in order to ascertain the extent to which the University would be able to meet the demands put forward by the Employees' Association. It should be appreciated that the Calcutta University is not a profit-making concern and further it is not a body with unlimited resources like the Central Government of India. As a matter of fact the University appears to be running under circumstances of a huge deficit, and obviously it is unable to survive unless the Provincial Government comes to its aid. A clear picture of the present financial condition can be had from letter No. A/1869, dated the 15th January 1948, addressed by the Registrar of the University to the Secretary, Education Department, Government of West Bengal, which has been placed before me. The income of the University is derived mainly from three sources, namely, (1) fee income which includes fees for examinations, miscellaneous fees, fees paid by University students and sale-proceeds of publications, (2) Government grant, (3) income from endowments. The expenditure is incurred mainly under three heads, namely, (1) establishment covering salaries, pensions, provident fund contributions, supplies, contingencies, etc., printing and press expenditure, maintenance and repairs to buildings and library, (2) examination expenses, and (3) Post-graduate departments. As shown in the letter of the University to the Government under consideration, ordinarily the total income of the University is in the neighbourhood of Rs. 38½ lacs, and the total expenditure is in the neighbourhood of Rs. 46¾ lacs, thus making out a deficit of about Rs. 8¼ lacs. In recent times owing to the political changes which have taken place in the country the University has lost jurisdiction over the part of Bengal now known as East Pakistan and also over Assam which is now getting its own University. Further the expenditure has increased enormously. It appears that out of about 2,300 High Schools previously within the jurisdiction of the University, only about 770 High Schools now remain within its jurisdiction, and out of the original number of 120 Colleges about 63 Colleges now remain affiliated to the University. Owing to this change the income from various examinations and from such sources as publications, registrations, mark-sheets, etc., has considerably diminished. It is roughly estimated that the total loss of income on account of fees at the various examinations will be about Rs. 8,66,000, and the loss of income from other sources like students' registration fees, fees for mark-sheets, crossed lists, diploma fees and other miscellaneous fees will be about Rs. 82,000, and the loss of income caused by a definite fall in the sale of University publications and of the Calcutta Review will be about Rs. 2 lacs. In the result the total estimated loss of income of the University owing to the diminution of its jurisdiction caused by the recent political changes is expected to be more than Rs. 11 lacs. There will, of course, be some savings in expenditure owing to the area of jurisdiction being smaller and the amount of savings is expected to be in the neighbourhood of Rs. 4 lacs. The total net loss is, therefore, expected to be not less th Rs. 7 lacs. To this may be added the loss income caused by the reduction in the rate interest of Government Promissory notes from per cent. to 3 per cent., the amount of the being estimated to be about Rs. 60,000. T total loss of income, therefore, will be in neighbourhood of Rs. 8 lacs. On a rough exami tion of the actual figures relating to the examin tion fees received so far in 1948, the position do not seem to be substantially brighter, although it may be that there will be more students now West Bengal than hitherto owing to the exodus a substantial student population from East Pak tan. It has further been indicated in the let under consideration that the total amount additional expenditure under different heac such as increased dearness allowance, the Tribuna award of 1942, in respect of the University Pre interim increments in salaries as settled wi effect from 1st January 1947, and other item comes to about Rs. 10 lacs. This calculati indicates a total deficit of about Rs. 18 lacs ev under the conditions now prevailing. It is dif cult to loose sight of the position that the prese industrial dispute has come up for adjudicati under these circumstances which are extreme difficult from the financial point of view. Th question pre-eminently arises as to how th University will meet the deficit already in exi tence, or the augmented deficit which is likely arise in consequence of the award which I ma make in connection with the present dispute

2(*a*). The University, of course, will have devise ways and means of increasing its revenu from such sources as examination and other fee It is noticeable that the University is already cons dering the question of increasing the rates of fe for examinations. It also appears that the rat of tuition fees in the Post-graduate department of the University and in the University Law Colleg have been increased. It will probably be cons dered whether fees of this character can be furth increased. The question of retrenchment o expenditure also appears to be under consider tion. These are all very good steps by way o self-help. It is roughly estimated that the tota additional income which may be derived fro practical processes of retrenchment and fro increased fees may be about Rs. 6 lacs leaving th University with a total deficit of about Rs. 12 lac even under the present circumstances. The Uni versity has, therefore, been obliged to appeal t the Provincial Government for a grant of at leas Rs. 15 lacs, apart from further grants which ma be necessary in the light of the award which shall give in connection with the present dispute It is clear that the University cannot survi without the active and sympathetic help of th Provincial Government. I must earnestly appeal t the Provincial Government for giving the necessary aid. The Calcutta University represents th fountain of learning and culture in this Province and it goes without saying that the cause of it survival in a state of high efficiency must be a matter of first consideration for the Provincial Government, and no one can doubt that the Government will give to this matter its most anxious consideration. At the same time it is idle to expect that the Provincial Government of West Bengal will have resources of an unlimited character such as would enable it to aid the University and other institutions to any extent that may be asked for. All concerned should appreciate the position that the Government of West Bengal is faced with many new problems arising out of the partition of the country, and it will have to measure its steps carefully before committing itself to heavy expenditure by way of aid to various institutions. Under these circumstances I feel that the employees of the University should be able to take a realistic view of the situation without depending merely on idealism, and I would appeal to them to look upon the

rsity as their own and do their very best in ase not only of themselves but also of the rsity whose spiritual children they them- re. It would not be proper to expect that niversity will be able to meet whatever ds are made by the employees or that the rnment of West Bengal will be able to help versity to an unlimited extent. It should be appreciated that while the rsity should be able to meet the demands on sonable basis, it will not be possible under re cnt circumstances to meet all the demands. me this pre-eminent question of the capacity e Calcutta University to incur expenditure fecting improvement in the condition of its oyees, I shall proceed to consider the different s one by one and the different elements of the ind involved in issue No. 1 in particular.

Issue No. 1.

Issue No. 1 involves various items of de- ds put forward by the Employees' Association. er this issue demands are to be consider- n co-ordination with the scheme of improve- t put forward by the University as per an- re "R" appended to the University's statement re this Tribunal and all other materials which been placed by both sides. I shall first take he subject of revision of pay and revision and oduction of grades and scales of pay, this being most important item. This subject again will to be considered separately in respect of the e categories of employees, namely, (1) the isterial staff and technicians and laboratory stants, (2) the lower subordinate staff, and (3) University Press employees (manual workers). all deal with these 3 categories one after her

(a). Taking up the case of the ministerial staff technicians and laboratory assistants, I observe there are several grades now in existence as ribed in annexure "R" appended to the Univer- 's statement. This annexure is the scheme put vard by the University for meeting the demands the Employees' Association. The Employees' ociation has rejected this scheme, and although Association's original demands were very much her, it has put forward fresh demands on a ewhat reduced scale in a statement embodied in exure "T" appended to the University's state- t. It will be necessary to consider the existing les in the light of the University scheme and of modified demands now put forward by the Em- yees' Association, keeping in view as far as eticable the scales recommended by the Central Commission. The demands put forward by the ployees' Association are said to be based on the ommendations of the Central Pay Commission. is difficult to make out which scales recommend- by the Pay Commission will apply to which cate- ies of employees, as in many respects the cate- ies of employees of the Calcutta University do tally with the categories of employees consider- by the Central Pay Commission. It is pleasing note that the authorities of the University are pared to adopt some of the scales recommended the Central Pay Commission as far as they may practicable, consistently with the capacity of University to pay. The procedure I followed s to carry on a full discussion with the represen- tives of both parties with the idea of arriving at me agreed formula with regard to each item as r as possible. With regard to many items an reement was arrived at, while in respect of others e matter was left for my adjudication. On the hole I was glad to notice a healthy spirit of en- avour to arrive at an agreement, and the award am going to give has been arrived at from the int of view of fairness to both sides, and it is ped that both parties will accept the award in od grace, independently of the position that the award is binding on them. The scheme put forward by the University is itself a substantial improvement on the existing scales of pay. In course of the discussion the representatives of the University agreed to increase the scales still further, and on some points the representatives of the Employees' Association agreed to lower down their demands in order to arrive at an agreement, while in respect of some items the Association was unable to lower down their demands to a sufficient extent. As regards the ministerial staff and technicians and laboratory assistants the existing lower scales of pay vary from Rs. 25—1—35 to Rs. 40—4—60, and there are 9 such scales. For all these scales the University's scheme originally suggested an enhanced scale of Rs. 55—3—76—E. B.—3—100, and the Employees' Association put forward a modified demand on the basis of Rs. 60—4—120—E.B. 5—170. After a good deal of discussion both sides have agreed to adopt the scale of Rs. 55—3—85—E.B.—4—125—5—130, as provided for by the Central Pay Commission in respect of employees of more or less similar character. I have decided to incorporate this scale in my award. Next we may deal with the existing scales Rs. 40—4—80, Rs. 60—2—80, and Rs. 50—5—75. The employees now working on these scales of pay are mostly under-graduates. The University's scheme originally suggested a scale of Rs. 60—4—120 for these employees, while the Employees' Association put forward a modified demand to the extent of Rs. 100—8—140—10—200—E.B.—10—300. The University has proposed to put the employees on these three scales of pay in a temporary grade which is intended to be abolished after the retirement of the present incumbents, their successors being appointed in the newly constituted permanent grade. It is suggested on behalf of the Association that graduates in this intermediate grade should be absorbed in the next higher grade which is being applied to a category of employees who are mostly graduates, and in respect of whom the maximum existing scale of pay is not less than Rs. 100. No agreement could be reached on this point. It seems to me that there is some force in the contention raised by the University to the effect that the employees on the 3 scales under consideration should be put in a temporary grade of a more or less intermediate nature which will eventually cease to exist. The grade of Rs. 60—4—120 however appears to be inadequate for the purpose and after some amount of discussion the representatives of the University were induced to agree to a higher scale, namely, Rs. 60—4—120—E.B.—5—170, which is one of the scales recommended by the Central Pay Commission. As regards employees of 9 other scales of pay ranging from Rs. 40—4—80—5—100 to Rs. 100—5—150 the University's scheme originally suggested an improvement on the level of Rs. 80—5—120—E.B.—8—200, as against the modified demand of the Employees' Association on the level of Rs. 100—8—140—10—200—E.B.—10—300. After a good deal of discussion both parties ultimately agreed to the level of Rs. 80—5—120—10—150—E.B.—10—250. I have accordingly decided to adopt this in my award. The scheme put forward by the University suggested a Selection Grade on Rs. 200—10—250, the strength of this grade being a certain percentage of the number of employees on the new scale Rs. 80—5—120—10—150—E.B.—250. In course of the discussion the representatives of the University were induced to enhance the scale of this Selection Grade to Rs. 200—10—300 and the Employees' Association did not agree to reduce the scale of Rs. 200—15—350 which they proposed. In my opinion the mid-way advance ultimately proposed by the University is reasonable and should be adopted, and the strength of the Selection Grade should be fixed at 25 per cent. of the number of higher grade assistants on the new scale of Rs. 80—5—120—10—150—E.B.—10—250, and the posts in the Selection Grade should be filled mainly by

promotion, while some may be filled by direct recruitment if necessary in the interest of efficiency. The present incumbents in the scales of Rs. 100—10—250 and Rs. 100—8—150—10—250 will be allowed to reach Rs. 300 by annual increments of Rs. 10 in the Selection Grade. The next category which should engage our attention is the special grade of Rs. 200—10—350 in respect of the Inspectors of hostels and messes and Superintendents of offices. These being higher grade officers on substantial scales of pay, I do not see sufficient justification for enhancing the maximum limit to a still higher level as suggested by the Employees' Association. In view of the financial stringency existing at the moment, there is no need to enhance higher scales of pay, and our attention should be concentrated on the needs of the employees on lower scales of pay. I have decided to approve of the scale of Rs. 200—10—350 as proposed by the University.

3(*b*) I now proceed to set forth below the new scales of basic pay which I have decided to award in respect of the ministerial staff and technicians and laboratory assistants. In doing so I shall take the University scheme as per annexure "R" as the basis and I shall specify the modifications which I have decided to adopt in my award. There should be the following grades for assistants:—

(*a*) Rs. 55—3—85—E.B.—4—125—5—130.

All under-graduate assistants and skilled workers who are serving in the following grades will be placed in this new grade:—

Rs. 25—1—35.
Rs. 35—2—50.
Rs. 30—3—60.
Rs. 40—4—60.
Rs. 30—2—50.
Rs. 30—3—50.
Rs. 30—4—60.
Rs. 36—4—60.
Rs. 25—3—40.

Those at present in the grades of Rs. 40—4—80, Rs. 60—2—80 and Rs. 50—5—75 will be put into the temporary grade of Rs. 60—4—120—E.B.—5—170. No new recruitment will be made into this grade which will be abolished after the retirement of the present incumbents, their successors being appointed in the newly constituted grade. No one who is not a Matriculate should be appointed in this newly constituted grade of Rs. 55—3—85—E.B.—4—125—5—130 in future. Exception may be made in favour of technical personnel or skilled workers. Van drivers should be placed in this grade.

(*b*) Rs. 80—5—120—10—150—E.B.—10—250.

All assistants now serving in the following grades should be placed in this grade:—

Rs. 40—4—80—5—100.
Rs. 40—5—120.
Rs. 40—4—80—5—150.
Rs. 40—5—80—5—100—5—150.
Rs. 75—5—150.
Rs. 75—5—125.
Rs. 60—5—80—5—150.
Rs. 65—5—80—5—150.
Rs. 100—5—150.

Only graduates should ordinarily be appointed in this grade. Exception may be made in favour of technical personnel or skilled workers with special qualification.

(*c*) Rs. 200—10—300 (Selection Grade).

The number of employees in this Selection Gra will be fixed more or less at 25 per cent. of t strength in respect of the next preceding grade Rs. 80—5—120—10—150—E.B.—10—250. T posts in the Selection Grade will be filled main by promotion from the next lower grade just me tioned, and it will be open to the Universit to f some of these posts by direct recruitment if nec sary in the interest of efficiency. The present i cumbents in the grades of Rs. 100—10—250 a Rs. 100—8—150—10—250 will be allowed to rea Rs. 300 by annual increments of Rs. 10 in t Selection Grade. No fresh recruitment will ho ever be made into these two existing grades whi will ultimately be abolished. As proposed by t University stenographers with a minimum speed 120 words per minute will be placed in this Sele tion Grade. The Inspectress of hostels and mess will also be put into this grade with the existi conveyance allowance.

(*d*) Rs. 200—10—350.

This grade will be for the posts of (1) Inspect of hostels and messes and (2) Superintendents offices. The existing allowances will continue to paid to the present incumbents of these posts. proposed by the University and as agreed to by t Employees' Association, whole-time employees wh are in non-graded posts on fixed pay and who not enjoy any other advantages such as free boa or lodging will be placed in appropriate grades.

3(*c*) I now proceed to discuss the process which I have arrived at the new scales of pay to incorporated in my award in respect of the em ployees of the lower subordinate staff. Certai employees like peons and others are now in th grade of Rs. 15—½—20. The University's schem suggested a scale of Rs. 30—½—35 in accordan with the recommendations of the Central Pay Com mission. The Employees' Association suggest the grade of Rs. 40—1—50—2—60. It appea that the main types of employees now on the gra of Rs. 15—½—20 are sweepers, farashes, mali and peons. There may be other descriptions employees on that existing grade. No sufficien reasons have been put forward by the Employee Association to justify a scheme of putting the employees on the much higher grade of Rs. 40—1—50—2—60. According to the recommendations the Pay Commission the scale of Rs. 30—½—4 a reasonable scale for the usual type of unskille and unlearned worker. It has been contended o behalf of the Employees' Association that some the peons are literate persons and these literat peons at any rate should be placed on a highe grade. There was a good deal of discussion on thi phase of the matter, and I got the impression tha it would be difficult to determine the standard o literacy for the purpose of distinguishing betwee one set of peons and another, and consequently an scheme of putting different groups of peons on di fferent scales of pay would involve a sort of invi dious distinction which might be resented by thos who would not be put on the higher scale on th ground of lack of adequate literacy. To avoid al these practical difficulties the best course, in m view, would be to pull up persons on the same exist ing scale of pay to the same new scale for our pre sent purposes. It should however be open to th University to tackle the matter in the light of prac tical experience and to promote literate persons t a higher scale according to convenience, irrespec tive of my award. I have come to the conclusio that all employees who are now on the grade o Rs. 15—½—20 should be put into the grade o Rs. 30—½—35, as I consider the proposal made by the University in this respect to be reasonable and adequate for our present purposes. I then proceed to consider employees, like durwans, duttries and others who are now in the grades of Rs. 20—½—25, Rs. 20—1—25, Rs. 20—1—30, Rs. 25—½—30,

0—2—40. For these employees the Univer- scheme has suggested the grade Rs. 35—1—50 appears to be in accord with the recommen- s of the Central Pay Commission. The Em- s' Association puts the demand in respect of employees on the level of Rs. 60—4—120— 0 for which I do not see sufficient justification. y be that some of these employees possess a n amount of literacy. That is one of the s why they are not being put on the lowest of Rs. 30—½—35. In view of the financial ency prevailing at the moment, the Univer- oes not seem to be able to afford a grade even than the grade recommended by the Central ommission in respect of employees of this I have therefore decided to adopt the grade 5—1—50.

I now give the directions in respect of the subordinate staff as set fourth below. There e the following grades for the lower subordi- staff, non-Matrics etc. :—

Rs. 30—½—35 for peons and others who are in the grade of Rs. 15—½—20.

ll be open to the University to consider the of literate peons on their individual merits as ei fitness for the next higher grade.

Rs. 35—1—50 for duftries, durwans and others who are in the existing grades of—

Rs. 20—½—25.

Rs. 20—1—25.

Rs. 20—1—30.

Rs. 25—½—30.

Rs. 20—2—40.

d Guards will also be put into the grade 5—1—50.

I now take up the case of the University employees (manual workers). The chief d on which the Employees' Association put rd its demands for increment in wages in res- of the Press employees is that the scales should ought on an equal footing with those prevail- in the Bengal Government Press. The rsity authorities have in most cases agreed pt the scales which now prevail in the Bengal nment Press with some modifications in cases. It appears that some of the posts University Press do not exist in the Bengal nment Press, and with regard to these it has necessary to consider the new scales on dependent footing. The demands put for- by the Employees' Association go beyond the in existence in the Bengal Government Press he reason assigned for this excessive demand t cheap rations are supplied to the employees e Government Press. It appears to me after lering the existing scales of pay, compared the scales prevailing in the Bengal Govern- Press in the light of the factor of financial ency, that it will not be practicable for the nt on the part of the University to make any gements for cheap rations such as the Gov- ent of West Bengal might be in a position to It appears to me that if we adopt scales of more or less on the same lines as prevail in engal Government Press, it will be a distinct nce as compared with the present state of s. As I have already indicated the oyees should be able to exercise some degree nsideration in the light of the present finan- stringency, and should abstain from putting heir demands too high. I now proceed to der the different categories of workers one by Lino-operators are now in the grade of 70—5—125—5—150. The Employees Asso- on wants the grade to be Rs. 90—8—170— 200. The Bengal Government Press scale is Rs. 90—8/2—170—10/2—200. The University agrees to the Bengal Government Press scale and I think this is reasonable. Mono-type operators are now in the scale of Rs. 70—4—90—5—125. The Association demands Rs. 90—8—170—10—200. The Bengal Government Press scale is Rs. 90—8/2—170—10/2—200 which is agreed to by the University, and I think this should be adopted. Thompson operators are now in the grade of Rs. 40—4—85. The Association demands Rs. 40—4—80—5—120. There does not appear to be any such post in the Bengal Government Press. After a certain amount of discussion the representatives of the University suggest the scale Rs. 35—40—4/2—60—8/2—100—10/2—120. I do not think there is any reason for lowering the starting pay, and I have decided that the scale of pay should be Rs. 40—4—60—8/2—100—10/2—120. Compositors are now in the grade of Rs. 40—3—76. The Association demands Rs. 40—4—80—5—120. Some of the compositors are now in the grade of Rs. 80—5—120. The Bengal Government Press scale is Rs. 35—40—4/2—60—8/2—100—10/2—120 which is proposed to be adopted by the University. I do not see sufficient reason for lowering the starting pay, while I am of opinion that the Bengal Government Press scale should be adopted so far as its other features are concerned. I have, therefore, decided that the scale for compositors should be Rs. 40—4/2—60—8/2—100—10/2—120, subject to the proviso that the present incumbents in the scale of Rs. 80—5—120 will continue in the same scale but no new recruits will be taken in this scale which will eventually be abolished. Some of the distributors are in the scale of Rs. 30—1—35—1—40, while some others are in the scale of Rs. 40—3—76. The Association demands the scale Rs. 30—32—4—60. The Bengal Government Press scale is Rs. 30—32 4/2—60 which is accepted by the University. I think the Bengal Government Press scale is reasonable and adequate and I have decided to adopt this as the general scale for distributors, subject to the proviso that the present incumbents in the scale of Rs. 40—3—76 will continue in the same scale, but no new recruits should be taken in this scale which will eventually be abolished. Machinemen and Treadle machinemen are now in the scale of Rs. 40—2—60. The Association demands Rs. 40—4—80—5—100. The Bengal Government Press scale is Rs. 35—4/2—55—4/2—75—80—4/2—84—8/2—100 which is accepted by the University. I adopt this scale subject to the proviso that no present employee will get less than his present amount of pay, the position being that the starting pay under the existing system is Rs. 40 while that under the proposed system is Rs. 35. Inkmen or fly boys are now in the scale of Rs. 25—1—40. The Association demands Rs. 25—4—45—4—65. The Bengal Government Press scale is Rs. 25—4/2—45—4/2—65 which is accepted by the University, and I adopt this in my award. Binders or duftries are in the same scale with inkmen or fly boys, i.e., Rs. 25—1—40. The Association demands Rs. 25—3—55—5—90. The Bengal Government Press scale is Rs. 25 — 2/2 — 29 — 4/2 —45— 4/2—53—6/2—65—70—10/2—90. The University suggests the scale of Rs. 25—4/2—45—4/2—65 on the footing that the status of binders and that of inkmen are more or less the same, as evidenced by the fact that their present scales of pay are equal. In determining new scales of pay the present scales should not be ignored. Taking all things into consideration I have decided that the scale of pay for binders and duftries should be Rs. 25—4/2—45—4/2—65. Mono-type-caster attendants are now in the scale of Rs. 35—2—65. The Association demands Rs. 35—4—75 as against the Bengal Government Press scale of Rs. 35—4/2—75. In this case the University has suggested a scale of Rs. 35—4/2—75—5—80 which is more than the Bengal Government Press scale. I have

decided to adopt this higher scale in my award. Impositors are now in the scale of Rs. 30—2—50. The Association demands Rs. 34—4—50—5—80. There are no such posts in the Bengal Government Press. The University has suggested Rs. 30—4/2—54—4/2—66. After considering the matter I have come to the conclusion that the scale for Impositors should be Rs. 30—4/2—54—4/2—70—5/2—75. Proof Pressmen are now in the scale of Rs. 25—1—35. The Association has demanded Rs. 25—4—45—4—65. The University suggested Rs. 25—4/2—40—2—50. I have decided to fix the scale Rs. 25—4/2—45—5/2—60. Lino attendants are now in the scale of Rs. 20—1—35. This post does not seem to exist in the Bengal Government Press. The Association has demanded Rs. 40—2—60. The University has suggested the scale Rs. 25—4/2—45. I have decided to fix the scale Rs. 25—4/2—45—5/2—50 for Lino attendants. The University scheme as per annexure "B" states that the University proposes to put Jamadars in the Press on the scale of Rs. 60—4—100—5—120. There is no suggestion of the Employees' Association in this respect. I therefore, adopt the scale for Jamadars as proposed by the University. Durwans in the University Press are now in the scale of Rs. 22—½—30. The Association has demanded Rs. 45—2—65. The University has suggested Rs. 30—½—40. With regard to Durwans in the other departments of the University I have already fixed the scale Rs. 35—1—50. I have decided that the scale for Durwans in the University Press should be the same, Peons in the Press are now in the scale of Rs. 22—½—30, as against the existing scale of Rs. 15—½—20 for peons in other departments. It thus appears that there is a substantial difference in pay between peons in the Press and peons belonging to other departments. It is further noticeable that the existing scale for peons is the same as the existing scale for durwans. It may be that peons in the Press are men of higher calibre than peons in other departments. The Association has demanded a scale of Rs. 40—2—60 for peons, while the University has suggested the scale Rs. 22—½—30. After considering all aspects of the subject I have decided to fix the scale Rs. 30—½—40 for peons in the Press subject to the proviso that the University may put certain selected peons in the Press in the grade of Rs. 35—1—50 if there is any ground for doing so in consideration of individual merits in respect of literacy, intelligence and other factors. Malis in the Press are now in the scale of Rs. 15—½—20. The Association has demanded Rs. 40—2—60. The University has made no suggestion. I adopt the scale Rs. 30—½—35 for malis in the Press, as I have already done in respect of malis in the general departments. Coolies in the Press are now in the scale of Rs. 20—½—25. The Association has suggested Rs. 35—1—50. The University has made no suggestion. I adopt the scale Rs. 30—½—35 for coolies in the Press. Sweepers in the Press are now in the scale of Rs. 15—½—20. The Association has demanded Rs. 35—1—50. The University has made no suggestion. I adopt the scale Rs. 30—½—35 for sweepers in the Press.

3(*f*). I now proceed to give my directions with regard to the Press Employees as set forth in the following chart showing the grades that I have determined for the various Press Employees (manual workers):—

Lino operators and Monotype operators—Rs. 90—8/2—170—10/2—200.

Thompson operators — Rs. 40—4—60—8/2—100—10/2—120.

Compositors — Rs. 40—4/2—60—8/2—100—10/2—120. **(Present incumbents in the existing scale of Rs. 80—5—120 will continue in the same scale.)**

Distributors—Rs. 30—32—4/2—60. (Pr incumbents on Rs. 40—3—76 will con in the same scale.)

Machinemen and Treadle machinem Rs. 35 — 4/2 — 55—4/2—75—80—4 84—8/2—100.

Inkmen or fly boys—Rs. 25—4/2—45—4 65.

Binders or duftries—Rs. 25—4/2—45—5 65.

Monotype caster attendants—Rs. 35—4/2— 5—80.

Impositors—Rs. 30 — 4/2 — 54—4/2— 5/2—75.

Proof Pressmen — Rs. 25 — 4/2—45—5 60.

Lino attendants—Rs. 25—4/2—45—5/2—

Jamadars—Rs. 60—4—100—5—120.

Durwans—Rs. 35—1—50.

Peons—Rs. 30—½—40.

Malis—Rs. 30—½—35.

Coolies—Rs. 30—½—35.

Sweepers—Rs. 30—½—35.

3(*g*). I have thus completed the task of the grades of wages for the different categor employees. The question now arises as to they are to be fitted into the new scales wh have determined. In taking the dif employees from the existing scales to the scales it should be borne in mind tha arrangement for interim relief by way of ments made in the wages as a temporary me with effect from 1st January 1947 will simultaneously with the introduction of the scales. According to the arrangement all w time employees drawing a basic salary of R or less are being given an additional sum of l per month at a flat rate and all whole employees drawing a basic salary above R and up to Rs. 250 (including the junior assi who may be actually drawing less than Rs. 3 being given an additional sum of Rs. 18 per m at a flat rate. These temporary increments introduced as a measure of interim relief pe the final arrangement to be made later on by of effecting permanent increments in the scal wages. In applying the process of fitting employees from the old scales to the new the temporary increments by way of interim should not be taken into account. It must, ever, be laid down as a basic proposition th no case should the new basic pay be less tha existing pay together with the amount of in increment added to it. Even subject to this position the question of fitting the employees the new scales of wages is likely to present culties by way of anomalies and inconsiste It has to be appreciated, however, that wha may be the new scheme the question of fitti will always present difficulties, and each diffi will have to be surmounted by the authoriti considering the matter sympathetically from point of view of fairness. Various sugge were put forward on behalf of the Emplo Association with regard to schemes of fittin In my opinion these suggestions are not so as the method adopted by the Central Pay Co sion as per paragraph (70) on page 45 of its R After due consideration of all the factors I decided to adopt the Pay Commission's meth the best method available for our purposes. I proceed to lay down the prinicipies which sh be applied with regard to the process of fi the employees into the new scales of wages.

persons on the existing scales of pay are brought on to the corresponding scales which have now been determined, their initial pay should be fixed at the stage in the new scale next above the pay they are drawing in their present scale. To this should be added special increments at the rate of one increment in the new scale for every three completed years of service. Some ceiling should, however, be fixed on the increases to be thus allowed, and I direct that the ceiling should be the next stage above the amount that may be arrived at after adding to the present pay the sums stated below:—

For persons drawing a salary not exceeding-

Rs. 100	...	Nil.
Rs. 101 to Rs. 250	...	Rs. 20
Rs. 251 to Rs. 400	...	Rs. 30

The pay to be allowed to a person on the above basis should not exceed what he would draw if his entire service in the existing scale had been on the corresponding new scale of pay. In no case should the new basic pay be less than the existing basic pay plus the amount of interim increment now being allowed.

3(*h*). I next pass on to the question of dearness allowance. At present dearness allowance is being paid to the employees according to the standard adopted by the Government of West Bengal for the latter's own employees. That standard is on the basis of 17½ per cent. of the basic wages with a minimum of Rs. 20 for employees drawing basic wages up to Rs. 34 and a minimum of Rs. 22 for employees drawing basic wages more than Rs. 34. It appears that under the present conditions the Provincial Government is helping the University to a large extent with regard to meeting the expenses on account of dearness allowance. The University is obviously unable to find funds for itself to meet the expenses on this head. There is no probability of the finances of the University derived from its own resources improving to such an extent that this institution can manage matters without any aid from the Provincial Government. The subject of dearness allowance for the employees of the University is therefore intrinsically linked up with the system of dearness allowance pursued by the Provincial Government. It is therefore impracticable to make any arrangement regarding dearness allowance involving substantially higher scales than those sanctioned in practice for the employees of the Government itself. The result is that the present system has got to be continued and it should be applied to all employees of the University with the proviso that if and when the Provincial Government introduces any higher scale of dearness allowance for its own employees, the University should also introduce the same scales of dearness allowance for the employees of the University. I do not think it is feasible under the present conditions to introduce the scales of dearness allowance recommended by the Central Pay Commission. I would advise the employees of the University to wait for better times, and be satisfied for the present with the substantial increases in the basic wages which I have already determined in my award, and it is pleasing to note that the scales of basic wages are in no way inferior to the scales recommended by the Central Pay Commission. Regarding the question of dearness allowance I make my award as above.

3(*i*). The next item in the demands put forward by the Employees' Association is payment of house allowance. At present there is no system of house rent allowance. I asked for informations at to whether the Government of West Bengal had any scheme for house rent allowance for its employees in actual practice. From the informations made available to me it appears that the Government has no such system, for all its employees, though there may be something like Calcutta house allowance on lines which do not seem to be applicable to our case. Under the present conditions of financial stringency the University is obviously unable to meet the demands on the ground of extra house rent allowance, and so long as the Provincial Government does not adopt any comprehensive scheme of grant of house rent allowance to all its employees generally, there does not appear to be much chance of the Government coming to the aid of the University for meeting expenditure relating to this kind of allowance. Here again the employees of the University will have to exercise patience and wait for better times, and the demand made under this head appears to be somewhat inopportune. I, therefore, do not propose to give any directions on the subject of house rent allowance. This matter may be considered later on when circumstances permit.

3(*j*). I then pass on to the question of revision of working hours. As regards the working hours in the general departments the demand made by the Employees' Association is that the working hours should be from 11 a.m. to 5 p.m. with half an hour's recess on week days and from 11 a.m. to 1-30 p.m. on Saturdays. The present working hours appear to be 34½ hours in a week, namely, 10-30 a.m. to 5 p.m. with half an hour's recess on week days and 10-30 a.m. to 3 p.m. with no recess on Saturdays. After some amount of discussion it is agreed that the present working hours are fair and reasonable and there need not be any change. I, therefore, do not propose to direct any change in the present system of working hours unless the University authorities decide to change them for reasons of convenience or efficiency or otherwise provided that the total number of working hours in a week continues to be 34½ hours. Whatever work is done beyond the normal working hours will count as overtime work. It has been brought to my notice by the representatives of the University that overtime work is in certain cases unavoidable, particularly in connection with the work relating to meetings and examinations and the cash department. With regard to such cases I direct that the University should have the liberty of fixing other working hours, keeping the total number of working hours at the level of 34½ hours in a week. The above observations apply to all employees in the general departments of the University.

I next deal with the question of working hours in the University Press. At present the number of working hours is 42 per week, and the working hours are from 9-30 a.m. to 5-30 p.m. with half an hour's recess on week days and 9-30 a.m. to 2 p.m. without any recess on Saturdays. After a certain amount of discussion it is agreed by both parties that the number of working hours should be 40 per week and the working hours should be from 10-30 a.m. to 6 p.m. with half an hour's recess on week days and from 10-30 a.m. to 3-30 p.m. without any recess on Saturdays and I adopt this in my award. The University should however be at liberty to modify the working hours on grounds of convenience or efficiency provided that the number of working hours is kept at the level of 40 hours per week.

3(*k*). The next item that I take up for consideration relates to payment for overtime work. The fundamental principles with regard to this matter is that overtime work should be avoided whenever it is practicable to do so. The question of payment arises under circumstances when such avoidance of overtime work becomes impracticable. So far as the general departments are concerned I have already indicated in the preceding paragraph that with regard to certain matters like meetings examinations and cash department overtime work

occasionally becomes unavoidable. With regard to such cases the working hours may be suitably fixed by the University authorities if possible with the idea of avoiding overtime work. Even in normal cases overtime work may sometimes become unavoidable. Such cases should be met by a proper system of payment of compensation to the individual employees concerned. I shall first take up the position relating to the University Press, as happily there has been an agreement between the parties with regard to this matter. Both parties have agreed that the rates of payment for overtime work in the Press should be on the following lines: —

For work beyond 7 hours on week days and 5 hours on Saturdays-

For the 1st and 2nd hours—Pro rata plus 25 per cent. extra allowance.

From the 3rd hour onwards—Pro rata plus 100 per cent. extra allowance.

It will be seen that the amount of extra allowance from the third hour onwards has been put at a high level so that the employer will not feel encouraged to employ the workers beyond the second hour of overtime work. In fact overtime work beyond the second hour should be seriously discouraged for reasons of health and other factors. The question now is what should be the principle regarding payment for overtime work in the general departments of the University. The demand put forward by the Employees' Association is Re. 1 per hour for the ministerial staff and others and 4 annas per hour for the lower subordinate staff. It appears from paragraph 100 of the Report of the Central Pay Commission that the Commission was not prepared to generalise on this subject of payment for overtime and was inclined to consider a mere time rate as sufficient for clerical employees. I am of opinion that mere time rate under the particular circumstances of our case will be rather inadequate. In my view there is no reason why the rates for overtime allowance as adopted in the case of the University Press with the consent of both parties should not be adopted with regard to the employees of the general departments also. As I have already noted it is necessary to discourage overtime work beyond the second hour. I direct that so far as payment of overtime allowance in respect of all categories of employees in the general departments is concerned the rates which I have adopted in connection with the University Press should apply.

3(*l*). In considering the question of payment for overtime work the allied question of payment for work during holidays including Sundays arises. I do not see that anything definite was proposed by the parties concerned with regard to this aspect of the matter in relation to the Press. The Press is in many cases governed by the provisions of and the rules under the Factories Act. If under these provisions and rules the Press employees are to be paid extra allowances for work on holidays and Sundays, that system should apply to the case of the Press employees. If there are no such provisions and rules in force, the case of the Press employees will be governed by the directions which I am going to give in respect of employees in the general departments. I am presently going to consider what should be done in respect of the latter. The demand on behalf of the lower subordinate staff is that for work on each holiday one day's extra wages should be paid by way of compensation, and the demand on behalf of the ministerial staff is that two days' extra wages should be paid for each day's work on a holiday. After some amount of discussion the representatives of the Employees' Association agree that the demand on behalf of the ministerial staff should be lowered to one day's extra wages. The University has agreed as per paragraph (12) of annexure "R" that for work on holidays (including Sundays), an extra allowance equal to one day's wages will be paid to employees of all descriptions. The Employees' Association has agreed to accept this position after some amount of discussion, and I adopt this for the purposes of my award. The University, however, has suggested that this arrangement will not apply to the Puja vacation of about 21 days and to the Christmas holidays for about 9 or 10 days, and it is suggested that the University will grant compensation leave instead of paying extra allowance. After some amount of discussion the representatives of the Employees' Association have accepted the idea of compensation leave for the Christmas holidays as suggested by the University and I adopt this for the purposes of my award. The Employees' Association, however, does not agree to apply the principle of compensation leave in the case of the Puja holidays, as it is contended that the Puja holidays represent a special occasion and it is very difficult for the employees to forego the privilege and pleasure of enjoying the Puja holidays without any adequate compensation. I direct therefore that the principle of compensation leave will not apply to the Puja holidays, but the principle of an extra allowance equal to one day's wages will apply as in the case of other holidays including Sundays.

3(*m*). The next item for consideration is the subject of pension and Provident Fund Rules. The claim on behalf of the lower subordinate staff is that they should be entitled to the same benefits of Provident Fund as are enjoyed by the ministerial staff and others. The claim on behalf of the ministerial staff is that the rate of subscription by the employees and contribution by the University should be 10 per cent. of the basic wages for permanent employees. Prior to 1931 there was only a pension scheme in existence, and in that year the provident fund system was introduced and the employees were given the option of sticking to the pension system or adopting the new provident fund system. In accordance with the option exercised by the different employees some of them are eligible for pension even today and some are actually drawing pensions. Others exercised option in favour of the provident fund scheme, the rate of subscription and contribution being 8⅓ per cent. of the wages. On the intervention of Government, a new system of provident fund rates in respect of new entrants came into existence with effect from 1st June 1938, the rate of subscription and contribution being 6¼ per cent. The representatives of the Employees' Association agree that there is no need to disturb those who exercised option in favour of a pension in 1931. The pension scheme appears to be regulated by the Civil Service Regulations. The pension rules have not been seriously discussed before me. The only point which was raised in course of the discussion was with regard to cases of death in harness within three years prior to the due date of retirement. As it has not been possible to go into the pension rules in detail and as it appears that the rules for pension and provident fund are intrinsically linked up with the Government, and alteration in the system appears to be subject to the approval of the Government, I content myself by saying that the University may consider cases of death in harness within three years prior to the due date of retirement as special cases with regard to the question as to whether the dependants of the deceased employee should be paid anything by way of their pension.

The real point under this issue relates to the question of provident fund. I direct that the provident fund system should apply to all categories of permanent whole-time employees including the lower subordinate staff. As to the rate of subscription and contribution the present position is that a rate of 8⅓ per cent. of the basic wages

pplicable to the employees who entered service to 1st June 1938 and a rate of 6¼ per cent. pplicable to those who entered on or after 1st 1938. I think it is not practicable under present circumstances of financial stringency nhance these rates to 10 per cent. as claimed the Employees' Association. It has to be ciated that the basic wages have been subtially increased and the amounts of subscripand contribution in respect of the provident with regard to each individual employee will spondingly increase, and thus the employee be benefited. I give no directions as to any ation of the rates in respect of the provident with regard to the employees in the general rtments of the University. It will however pen to the University in consultation with the rnment to consider whether anything can be n the direction of increasing the rates in the future consistently with the financial position.

s regards the University Press the rate of dent fund contribution in vogue at present is er cent. of the basic wages. The demand put ard by the Employees' Association is that while te may continue in respect of those emees who were appointed on or after 1st June the rate should be increased in respect of the loyees who were appointed before 1st June . The University has agreed that in respect employees who were appointed as permanent e-time employees before 1st June 1938, the t subscription and contribution in respect of provident fund should be 8½ per cent. of the wages. I think this is reasonable and I this for the purposes of my award. The tion of course may arise as to who were permanent whole-time employees and who were not. hoped that the University authorities will le this matter in respect of the individual emees with sympathy and consideration. In the se of the discussion the Employees' Associabrought up a matter of what is called bonus as compensation to the employees who exerl option in favour of the provident fund in , the complaint being that the interest in et of the amount of bonus was not paid for al years. This subject did not form the submatter of any issue as originally framed, and as ultimately dropped. It is hoped, however, the University authorities will look into the r and will redress the grievance if in exist-

The next question is about gratuity. e is no system of gratuity at present. The loyees' Association has claimed gratuity on basis of salary for one month or any other d for every year of service rendered. This amed in addition to the benefits of provident or pension. So far as I can see this claim ldtional relief at the time of retirement of an loyee in addition to pension or provident fund fit, is somewhat inopportune in view of the eat adverse financial condition of the Univer-The employees should therefore wait for er times and should not expect any tional relief by way of gratuity under the precircumstances. It was pointed out on behalf he Employees' Association that certain other versities and institutions have a system of uity or of additional contribution to the prot fund. We are not concerned with any it-making concern with regard to this matter. egards the cases of the universities which have pointed out, there is no information about wage structure prevalent in those institutions. far as the Calcutta University is concerned it been decided in my award to raise the scales ages to satisfactory levels practically in line the recommendations of the Central Pay Comsion. The result of that will be a substantial increase in the provident fund balances, which will be available to the employees on retirement. It is not known whether the wages prevalent in the other Universities are of the same standard as we have determined in our present case. Apart from the question of comparison, the Calcutta University is not in a position to add to its commitments at the present moment and it is hoped that the employees will appreciate this position. In the result I give no directions on the question of gratuity.

3(o). The next item in the Association's claim relates to bonus. This appears to be a curious claim as the Calcutta University is not a profit-making concern. The Employees' Association ultimately gives up this claim, and I give no directions.

3(p). I next pass on to the question of medical aid, the claim being that the University should pay for treatment and medicines in cases of illness of employees and their dependants. There is no present system of medical aid. In view of the financial stringency, it is not practicable to introduce any innovation of this character at the present moment. I give no directions on this subject.

3(q). The next item of claim relates to free tiffin and an arrangement for a tiffin room. For the reasons of financial stringency already referred to no scheme of arrangement for free tiffin is practicable at the moment. As regards the tiffin room the representatives of the University have told me that no room is available at present. Under these circumstances I give no directions on this subject.

3(r). I now pass on to the question of revision of leave rules. It does not appear that there has been any demand on this subject with regard to the Press employees. It is therefore not necessary for me to consider the question of leave rules with regard to them, and they will continue to be governed by the present leave rules applicable to them. As regards the employees in the general departments of the University it appears that there are no leave rules with regard to the lower subordinate staff. It is therefore necessary to devise some system with regard to this class of employees. The claim put forward on behalf of the lower subordinate staff is that the leave rules applicable to the ministerial staff should apply to them also. The demand put forward on behalf of the ministerial staff and technicians is that one month's privilege leave with full pay for over 11 months' service should be allowed. It however appears that at present the members of the ministerial staff are on a decidedly better footing in so far as privilege leave with full pay is granted on the basis of 1/9th of the actual period of service. It is represented to me now on behalf of the Employees' Association that there is no grievance about the present system of leave with regard to the ministerial staff. It is somewhat curious that the demand was put at a somewhat lower level than what exists at present. I hold that while the present incumbents belonging to the ministerial staff and technicians, etc., may be allowed to continue on the existing system of leave, new entrants should be governed by a system of one month's privilege leave with full pay for every 11 months' service, as this system seems to be almost universal and is consistent with the recommendations of the Central Pay Commission. With regard to privilege leave in respect of the ministerial staff and technicians, etc., I make my award accordingly.

With regard to the question of privilege leave for the lower subordinate staff the recommendations of the Central Pay Commission as per paragraph 143 of the report is to the effect that this category of employees will earn full pay leave at the rate of 1/22 of duty during the first ten years of their

service, at the rate of 1/16th of duty from the 11th to the 20th year of their service, and at the rate of 1/11 of duty from the 21st year onwards. At the present moment there is no system of privilege leave applicable to the lower subordinate staff. Their claim to be put on the same basis as the ministerial staff and others appears to be somewhat excessive. On giving full consideration to the claim of the ministerial staff I am prepared to improve upon the Central Pay Commission scheme to some extent and I give the following directions:—

With regard to privilege leave for the lower subordinate staff—

1/22 of the period of duty during the first 10 years of service.

1/16 of the period of duty from the 11th to the 15th year of service.

1/11 of the period of service from the 16th year of service onwards.

No other phase of leave was discussed during the hearing. But I have decided to adopt the proposals of the University as per annexure "R" with regard to half pay leave, leave on medical certificate, accumulation of leave and casual leave. These proposals which I adopt for the purposes of my award are as follows:—Half pay leave must be earned. Assistants will get half pay leave at the rate of 1/16th of duty throughout service and the lower subordinate staff 1/22 of duty for the first 20 years and 1/16th thereafter. When leave is granted on a medical certificate an employee will be entitled to commute the half pay leave that he has earned to full pay leave for half of that period and such full pay leave should not exceed 6 months in the whole service. Leave not due on half pay may be allowed in the case of employees who may require leave on medical certificate but have not enough earned leave to their credit. Such leave should be debited to subsequent leave earned and should be limited to 3 months at a time and 6 months in all. Leave may be accumulated up to 120 days for assistants and to the extent that may be earned during 4 years in the case of the lower subordinate staff. Casual leave is not to exceed 12 days in a year and should not be allowed to accumulate.

3(s). I next pass on to the question of revision of service rules with particular reference to provision for security of service and rules regarding promotion and confirmation in service. There are no regular service rules in existence at present. As proposed by the University in the scheme as per annexure "R", proper service rules should be introduced and Service Books should be maintained. An important question raised in course of the discussion on this subject was the question of confirmation in service and the period of probation in respect of the probationers. After some amount of discussion it is agreed that the period of probation should be 6 months and the question of confirmation or discharge of an employee on probation should be settled by the authorities of the University before the expiry of the probationary period of 6 months. This arrangement agreed to by both parties is quite reasonable and I adopt it for the purposes of my award.

Another question raised was with regard to the age of retirement. The present system is that an employee is ordinarily allowed to serve up to the age of 55 years but extension may be granted up to the age of 60 years. The Employees' Association suggested a retiring age of 60 years. The Central Pay Commission has recommended 58 years in this direction. After a certain amount of discussion both parties agree that there is no reason for interfering with the present system which shall therefore continue.

Another question raised by the Employees' Association was with regard to the filling of vacancies, the complaint being that vacancies sometimes remain unfilled for a considerable time. After hearing both sides I give the direction that while the question of desirability of filling a particular vacancy must be left to be decided by the University authorities, a vacancy should be filled within two months from the date of commencement of the vacancy as far as practicable.

The Employees' Association has raised another question with regard to the subject of promotion. On behalf of the lower subordinate staff it is claimed that vacancies in the upper ranks should be filled by promotion in accordance with seniority from the lower ranks. On behalf of the ministerial staff it is claimed that vacancies in upper posts should be filled by promotion from the lower ranks in accordance with seniority and efficiency, and efficiency has to be measured by the authorities in consultation with the Employees' Association. In consideration of the present structure of Society and the circumstances prevailing at the moment throughout the country, it seems to me that there are many practical difficulties in the way of any system of collaboration between the authorities and the representatives of the Employees' Association with regard to a matter of this kind. It appears that the Central Pay Commission held the same view as per paragraph 111 of the Report. I give the direction that both with regard to the ministerial staff and others and the lower subordinate staff vacancies should be filled up by promotion from the lower ranks as far as practicable and recognition should be given to merit and efficiency, but direct recruitment may be resorted to under suitable circumstances when such a step is called for in the interest of efficiency. There will be no bar to the University authorities acting in consultation with the Employees' Association whenever practicable without detriment to the cause of efficiency and speedy disposal of business.

The question of certain personal allowances was raised by the representatives of the Employees' Association during the discussion. It is alleged that personal allowances are sometimes given to favourites irrespective of merit or efficiency. On behalf of the University it is represented that personal allowances are given to meritorious workers and to persons who have already reached the maximum limit of the cadre and are still useful. Such allowances are granted by the Syndicate of the University. The Employees' Association insists that personal allowances should be discontinued altogether. On giving careful consideration to the whole question it seems to me that while there may be some individual cases of abuse with regard to personal allowances, the system itself cannot be discontinued and I give no directions with regard to this matter.

3(t). The next point is with regard to the claim for free educational facilities for the employees and their dependants. The claim in this direction seems to be somewhat inopportune, and the representatives of the Employees' Association have ultimately decided to abandon it. I therefore give no directions on this subject.

3(u). The next item is with regard to the provision of a room for the accommodation of the Employees' Association in the University Building. After a good deal of discussion it transpired that there was no room in the University Building which could be made available for the Employees' Association. The representatives of the University agree that the Employees' Association being a recognised Union should be given some accommodation as far as practicable, but it is pointed out that under the present conditions the accommodation available for other purposes is insufficient, and

ng as these circumstances of dearth of accommoation cannot be eliminated no room for the Emloyees' Association is likely to be available. I erefore direct that the authorities of the Univerty should try to set apart a room for the Emloyees' Association as soon as circumstances ermit.

Issue No. 2.

4. I now proceed to consider issue No. 2 relatg to the orders of suspension in respect of two nployees named Jagannath Naik and Girish handra Datta. Jagannath Naik is a mali attachl to the University Press at Hazra Road. He ppears to have abstained from duty during the uja holidays which lasted for not less than 15 ys in October-November 1947, the result being at several plants in his charge were damaged. nother charge against him is that he prevented e working of a pump on two or three days. The bstance of the charge against Jagannath Naik gross neglect of duty. He was suspended from th November 1947. Girish Chandra Datta is a on attached to the University office. On 22nd ovember 1947 which was a holiday on account of agadhatri Puja an important meeting was to be ld, and Girish Chandra Datta had been asked by e Registrar to attend on that day but he deliately abstained from duty although he was reding in the menials' quarters in the premises. e was suspended from 25th November 1947 on count of gross insubordination. Both these emoyees were asked to explain their conduct and th explained that they had abstained from work holidays in accordance with the direction given a resolution passed by the Employees' Associaon.

In the course of the hearing of this issue efforts ere made to settle the matter amicably, and a cument of compromise signed by representatives the two parties was actually submitted to the ribunal. It appeared that the matter had been ppily settled. But it turned out later on that hile the University authorities ratified the terms the agreement submitted before the Tribunal, e Employees' Association in its meeting did not lopt the exact words of that agreement. The sult has been that the agreement has failed, and the absence of an agreement in the true sense, ljudication in respect of issue No. 2 by way of nciliation has unfortunately become impossible, nd I have necessarily been called upon to decide e issue on its merits.

The pre-eminent question is whether in respect each of these two employees the University uthorities were justified in passing an order of spension, or whether the order amounted to an nfair labour practice. The question arises as to hether there was any condition of service by which e employees might be asked to perform any duty holidays. There are no service rules in print existence. We must therefore fall back upon he actual practice which is to be taken to have eveloped into a condition of service. The resolu-ion passed by the Employees' Association in its eeting on 13th October 1947 directed the emloyees to stop all overtime and holiday work until ere was a final settlement of the whole matter in spute. The employees concerned apparently acted pursuance of that direction. On the other hand hey were employees of the University and were ound by the conditions of service relating to duty luring holidays. What the Employees' Associaion aimed at was to alter the conditions of service elating to holidays. The position was that those onditions which had come into existence through ears of actual practice, though they might not ave been expressed in words were in force during the Puja holidays when Jagannath Naik abstained from work causing damage to the plants in his charge, or on the Jagadhatripuja holiday on which Girish Chandra Datta deliberately disobeyed orders. Till the alterations in the conditions of service which the Association desired to bring about were actually brought into operation either by agreement or by adjudication, the authorities of the University were entitled to enforce discipline in pursuance of the existing conditions of service, in spite of any resolution that might have been passed by the Employees' Association. The disciplinary action by way of suspension of the two employees in default was therefore justified, and no authority has been brought to my notice in support of the proposition that such action amounted to an unfair labour practice. It has to be appreciated in view of the present structure of Society that no administration can be run unless discipline is enforced by the employer. The position might have been different if the structure of Society had been of a different character.

In pursuance of the agreement which appeared to have been arrived at in course of the proceedings before the Tribunal the University has already cancelled the orders of suspension and has reinstated both the employees with effect from 13th February 1948. This state of things need not be disturbed. It should be appreciated that the two employees were being torn between two influences, one being a sense of obligation to perform their duties in accordance with the existing conditions introduced by the employer, and the other being a sense of obedience to the direction issued by the Employees' Association. Under these circumstances the question of wages of these two employees for the periods of suspension should be considered with some amount of sympathy. It has been suggested on behalf of the University that 1/3rd of the total emoluments inclusive of allowances for the periods of suspension would be sufficient to meet the ends of justice, such a proportion of the total emoluments being in the nature of a subsistence allowance. On the other hand the employees expect that the emoluments for the periods of suspension should be paid in full. I have given careful consideration to both views, and have decided to accept neither. As I have already said the two employees were drawn away from duty which they were bound to do by a force which was new to them and which they in their own way thought it to be their duty to obey. From that point of view only a one-third proportion of the total emoluments would appear to be too little. On the other hand inasmuch as the action taken by the two employees was subversive of discipline which the employer was bound to enforce in the interest of the administration, I do not think the employees can be held to be entitled to their emoluments in full, as such a decision would encourage indiscipline. If there had been an expression of regret from the side of the employees for the inconvenience and dislocation of work caused, there would be room for making an order for payment of the emoluments in full. In the absence of any such circumstance and on giving the fullest consideration to all aspects of the matter I come to the conclusion that the arrangement of reinstatement of the two employees Jagannath Naik and Girish Chandra Datta on and from 13th February 1948 shall continue, and they should be paid two-thirds of their total emoluments for the periods of suspension in question. I make my award accordingly.

Issue No. 3.

5. I next take up issue No. 3 relating to the question of cancellation of an order, dated 30th November 1947, asking five employees named Parameswar Routh, Mukunda Routh, Bholanath

Misra, Shyam Lal Ram and Bishu Makura to show cause why disciplinary action should not be taken against them. At the hearing the Employees' Association did not press this issue and the representatives of the University intimated that the authorities would not take any further action in the matter and the men concerned were continuing in service. As this matter has been amicably settled, I do not give any directions.

Issue No. 4.

6. Issue No. 4 relates to the question of immediate payment of wages, which were withheld to 50 specified employees. It was intimated by both parties that the demand made by the Employees' Association in this matter had already been satisfied, and the issue was not pressed by the Association at the hearing. As the matter has been amicably settled I give no directions.

7. In conclusion I should like to impress on sides the need of cordial relations between t under any scheme of work in connection with administration of the University. I hope both s will appreciate the fundamental position neither can exist without the other, and should strive to work for the prosperity of the ot It is only in a spirit of give and take that smooth working of the University can be assur

S. N. MODAK, *Chairm*
Industrial Tribuna

The 5th March 1948.

By order of the Governor,
S. K. CHATTERJEE,
Secy. to the Govt. of West Ben

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 5th April 1948.

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The



Gazette

Extraordinary

Published by Authority

TUESDAY, APRIL 6, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

COMMERCE, LABOUR AND INDUSTRIES DEPARTMENT.

Commerce.

NOTIFICATION.

No. 13920Com.—5th April 1948.—In exercise of the power conferred by sub-section (*1*) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clauses (*d*), (*e*), (*f*), (*h*), (*i*) and (*j*) of sub-section 2 of that notification and with the notification of the Government of India, in the Department of Industries and Supplies, No. 302-PA(73)/46, dated 7th December 1946, the

Governor is pleased to make the following amendment in the Bengal Paper (Distribution, Price and Returns) Order, 1947, namely:—

Amendment.

For sub-paragraph (2) of paragraph 1 of the order, the following shall be substituted and shall be deemed always to have been substituted, namely:—

(2) It shall come into force on the 1st day of July 1948.

By order of the Governor,
S. K. CHATTERJEE,
Secy. to the Govt. of West Bengal

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Calcutta Gazette

Extraordinary

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MONDAY, APRIL 12, 1948

ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

FINANCE DEPARTMENT.

Taxation.

NOTIFICATION.

No. 523F.T.—12th April 1948.—In exercise f the power conferred by sub-section (*1*) of section 92 of the Government of India Act, 1935, he Governor is pleased to direct that the Taxation on Income (Investigation Commission) Amendment) Act, 1948 (XXIII of 1948), shall pply to the Darjeeling district, on and from the 2th April 1948.

By order of the Governor,

B. DAS GUPTA,

Secy. to the Govt. of West Bengal.

ed and published by the Superintendent, Govt. Ptg., West Bengal. at West Bengal Govt. Press, Alipore, on the 12th April 1948

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THURSDAY, APRIL 15, 1948

ART I—Orders and Notifications by the Governor of st Bengal, the High Court, Government Treasury, etc

GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT.
Constitution and Elections.

NOTIFICATION.

No 160A.R.—15th April 1948.—The following ification by the Secretary to the Governor of est Bengal is hereby published for general formation :—

"Notification No. 1990S., dated the 13th April 8. In His Majesty's name, His Excellency Governor General has assented to the Corporan of Calcutta (Investigation Commission) Bill, 8

S. K. MUKHERJI,
Secretary to the Governor".

By order of the Governor,
M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal

DEPARTMENT OF HEALTH AND LOCA SELF-GOVERNMENT.

Local Self-Government.

NOTIFICATION.

No. L.S.-G./1M-36/48.—15th April 1948.—It is hereby notified under section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932) that the following gentlemen have been duly elected as Commissioners of the Sonamukhi Municipality in the district of Bankura at the general election held on the 24th March 1948:—

Ward No. I.

Sri Rabindra Nath Mukherji.

Ward No. II.

Sri Jnanendra Mohan Banerji.
Sri Nirode Baran Chatterji.

Ward No. III.

Sri Karunamoy Das.

Ward No. IV.

Sri Sribas Chandra Shoo.

Ward No. V.

Sri Gouri Sankar Biswas.
Sri Krishna Mohan Chandra.
Sri Suresh Chandra Bharadwaj.

By order of the Governor,

S. K. GUPTA,
Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Printing, We Bengal, at West Bengal Govt. Press, Alipore, on the 15th April 194

The Calcutta Gazette

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THURSDAY, APRIL 15, 1948.

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 673L.—15th April, 1948.—The following Act of the West Bengal Legislature, having assented to in His Majesty's name by the Governor-General, is hereby published for general information:—

West Bengal Act XII of 1948

THE CORPORATION OF CALCUTTA (INVESTIGATION COMMISSION) ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor-General was first published in the *Calcutta Gazette, Extraordinary*, of the 15th April, 1948.]

An Act to provide for the appointment of a Commission to investigate certain matters relating to the Corporation of Calcutta, and for certain other matters connected therewith.

WHEREAS it is expedient to provide for the appointment of a Commission to investigate certain matters relating to the Corporation of Calcutta, and for certain other matters connected therewith;

It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Corporation of Calcutta (Investigation Commission) Act, 1948.

(*2*) It extends to the whole of West Bengal.

Definitions.

2. In this Act the expressions "Calcutta" and "the Corporation of Calcutta" have the same meanings as in the Calcutta Municipal Act, 1923. Ben. Act III of 1923.

Constitution and functions of Commission.

3. The Provincial Government may, by notification in the *Official Gazette*, constitute a Commission to be called the Corporation of Calcutta Investigation Commission (hereinafter referred to as the Commission) whose duties it shall be—

(*a*) to investigate, and report to the Provincial Government on all matters relating to the finances and administration of the Corporation of Calcutta and the working of the Calcutta Municipal Act, 1923;

(*b*) to make recommendation for improving the finances and administration of the Corporation of Calcutta, removing abuses in relation thereto, if any, and amending the Calcutta Municipal Act, 1923, if necessary, for ensuring better administration.

Composition of Commission.

4. (*1*) The Commission shall consist of a Chairman (being a person who is or has been a Judge of a High Court) and two other Commissioners, appointed by the Provincial Government.

(*2*) On the occurrence from any cause of a vacancy among the Commissioners, the Provincial Government may, if it thinks fit, appoint a person to fill the vacancy.

Powers of Commission.

5. (*1*) The Commission shall have power to administer oaths, and shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purposes of taking evidence on oath, enforcing the attendance of any person whom it considers necessary to examine, compelling the production of documents and issuing commissions or letters of request for the examination of witnesses, and shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXV of the Code of Criminal Procedure, 1898, and any reference in the said Chapter to the presiding officer of a Court shall be deemed to include a reference to the Chairman of the Commission. Act V 1908. Act V 1898.

The Corporation of Calcutta (Investigation Commission) Act, 1948.

(Sections 6—8.)

(2) If it appears to the Commission that it is necessary to examine any accounts or documents, or to investigate any particular matter which it cannot itself conveniently examine or investigate, the Commission may authorise any person qualified in its opinion to make such examination or investigation to examine such accounts or documents or to investigate such particular matter and to interrogate for that purpose any person having charge or custody of such accounts or documents, or having knowledge of such particular matter and to make a report to the Commission; any person having charge or custody of such accounts or documents shall be bound to produce them to the person so authorised and to give such person any information in respect thereof which the person so authorised may require; and any person having knowledge of such particular matter shall be bound to give to the person so authorised any information in respect thereof which such person may require. The Commission may make such use of the report as it thinks fit.

(3) (*a*) The Commission may require the Corporation of Calcutta or any person who is or was a Councillor or an Alderman or any officer or servant of the Corporation of Calcutta to furnish any return, document, plan, estimate, statement, account, statistics, information or report and the Corporation of Calcutta or such Councillor or Alderman or such officer or servant shall be bound to comply with such requisition without delay.

(*b*) The powers conferred by this sub-section shall be in addition to and not in derogation of the powers conferred by sub-section (*1*) and sub-section (*2*).

(*4*) The Commissioners and all persons authorised by the Commission under sub-section (*2*) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860. Act XLV of 1860.

Procedure of Commission.

6. (*1*) The Commission shall, subject to the provisions of this Act, have power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private) and may act notwithstanding the temporary absence of any Commissioner or Commissioners or a vacancy in the number of the Commissioners.

(*2*) In making an investigation under clause (*a*) of section 3, the Commission shall act in accordance with the principles of natural justice and shall follow as far as practicable the principles of the Indian Evidence Act, 1872. I of 1872.

(*3*) Except with the previous sanction of the Provincial Government,—

(*a*) no suit, prosecution or other legal proceeding shall be instituted against any person in any Civil or Criminal Court for any evidence given by him in any proceedings before the Commission, and

(*b*) no evidence so given shall be admissible in evidence against such person in any suit, prosecution or other proceeding before such Court.

(*4*) No document shall be inadmissible in any proceedings before the Commission on the ground that it is not duly stamped or registered.

Bar of jurisdiction.

7. No act or proceeding of the Commission or of any person authorised by it under sub-section (*2*) of section 5 shall be called in question in any manner by or in any Court and no suit, prosecution or other legal proceeding shall lie against the Crown or any Commissioner or any other person for anything done or intended to be done under this Act.

Power to make Rules.

8. The Provincial Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

By order of the Governor
B. K. GUHA
Secy. to the Govt. of West Bengal

...ord No. C207
...NGAL LEGISLATURE
...LCUTTA.

The Calcutta Gazette

Extraordinary

Published by Authority

THURSDAY, APRIL 15, 1948

RT I—Orders and Notifications by the Governor of t Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
EPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.
Local Self-Government.

NOTIFICATION.

No. L.S.-G. 1C-26/48.—15th April 1948.—In ercise of the power conferred by sections 3 and of the Corporation of Calcutta (Investigation mmission) Act, 1948 (West Bengal Act XII of 48), the Governor is pleased to constitute the rporation of Calcutta Investigation Commission nsisting of the following:—

Chairman.

Hon'ble Mr. Justice C. C. Biswas, Judge of the gh Court in Calcutta.

Commissioners.

Mr. P. C. Choudhury, retired Accountant-neral, Bengal.

Mr. H. P. Bhaumik, retired Postmaster-neral, Madras.

By order of the Governor,
S. K. GUPTA,
Secy. to the Govt. of West Bengal.

...and published by the Superintendent, Govt. Ptg., West Bengal ...West Bengal Govt. Press, Alipore, on the 15th April 1948

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SATURDAY, APRIL 17, 1948

RT I—Orders and Notifications by the Governor of it Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION.

No. 5061DCS.—17th April 1948.—In exercise the power conferred by paragraph 3 of the ngal Foodgrains Prices Control Order, 1943, the vernor is pleased to cancel notification No. 3542-S., dated the 18th March 1948.

By order of the Governor,

A. D. KHAN,

Secy. to the Govt. of West Bengal.

ed by the Superintendent, Govt. Ptg., West Bengal. Govt. Press, Alipore, on the 17th April 1948.

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MONDAY, APRIL 19, 1948.

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

:PARTMENT OF COMMERCE, LABOUR and INDUSTRIES.

Labour.

ORDER.

No 1206Lab. —17th April 1948.- Whereas under Government of West Bengal, Commerce, bour and Industries Department, order No. Lab., dated the 26th January 1948, read with corrigendum No. 410Lab., dated the 17th Febry 1948, the industrial dispute between the tional Company, Limited, Rajganj, and their rkmen as represented by the Rajganj Chatkal zdoor Union, Rajganj, in connection with the e of three of their workmen, namely Jugol ora, Makhan Paramanick and Ajmir, was refer- l for adjudication to Sree Matish Chandra nerji, Additional District Judge;

And whereas the said Sree Matish Chandra nerji, Additional District Judge, has given an ard as shown in the annexure hereto;

Now, therefore, in exercise of the power confer- l by section 17 of the Industrial Disputes Act, 7 (XIV of 1947), the Governor is pleased to direct that the award be published in the *Calcutta Gazette*.

ANNEXURE.

INDUSTRIAL TRIBUNAL, CALCUTTA.

PRESENT: SREE MATISH CHANDRA BANERJI, *Additional District Judge, Tribunal.*

Industrial dispute between Messrs. National Company, Ltd., Rajganj versus their workmen as represented by the Rajganj Chatkal Mazdoor Union.

Award.

By order of the Government of West Bengal No. 207Lab., dated 26th January 1948, the industrial dispute between the National Company, Limited, and their workmen as represented by the Rajganj Chatkal Mazdoor Union in connection with the case of three of their workmen, was referred to me for adjudication under sections 7 and 10 of the Industrial Disputes Act. Due notices were served on the parties and both the Union and the Company filed written statements. The Union pleaded that the three workers in question, viz., Jugol Ghora, Makhan Paramanick and Ajmir were dismissed by

the Company on 5th July 1947 by way of victimisation, as they were prominent Trade Union leaders. The Union prayed for their reinstatement. The Company pleaded that the Tribunal had no jurisdiction to entertain the question of dismissal of a worker or his reinstatement. It further pleaded that Jugol Ghora and Makhan Paramanick were dismissed on the ground of gross misconduct and Ajmir was discharged for allowing unauthorised persons to work on his machine in spite of repeated warnings. The following issues were framed for decision of this case. The case was fixed on 18th March 1948 for hearing. Parties were present on that date and they were heard.

ISSUES.

1. Has the Tribunal jurisdiction to order reinstatement of the workmen as claimed?

2. Were the workers in question discharged by way of unfair labour practice?

3. Are any of the workers in question entitled to reinstatement, if so, on what terms?

Decisions.

Issues 1, 2 and 3.—The Company filed a petition stating that this Tribunal had no jurisdiction to entertain this case as the question of reinstatement of the three discharged workmen mentioned in the reference by the Government was the subject matter of the Jute Textile adjudication now pending before the Tribunal composed of Mr. S. N. Modak, Mr. N. C. Chakrabarti and myself. It also states that on behalf of the Indian Jute Mills Association which represents all the Jute Mills in that case, an application for a writ of certiorari challenging the jurisdiction of the Tribunal to consider reinst ment was made and that the Hon'ble High C has issued a Rule. It is further stated that as present subject matter was also the subject ma before the Jute Textile Industry Tribunal this ference was *ultra vires* and that the case should struck off.

The Jute Textile Tribunal was formed by re ence, dated 15th August 1947, and issues in t case were framed on 5th December 1947. I No. 26 deals with specific cases of victimisation per list. This list shows the names of Mak Paramanick, Jugol Ghora and Ajmir of the tional Company, Limited. The present refere was made by Government on 26th January 19 As the Jute Textile Industry Tribunal was alre in seisin of the subject matter of this case, it obvious, that this reference was ineffective could not divest the Jute Textile Industry Tribu of its jurisdiction to adjudicate on the subj matter in question. It is also a fact that the iss Nos. 9 and 26 of the Jute Textile Industry Tri nal has been stayed by a Rule of certiorari by Hon'ble Hight Court. In the circumstances, it decided that this case should be struck off, and t issues shall not be answered.

M. C. BANERJI,
Tribunal, Industrial Dispu

The 20th March 1948.

By order of the Governor,
D. S. P. MUKHERJEE,
Dy. Secy. to the Govt. of West Beng

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 19th April 1948.

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THURSDAY, APRIL 22, 1948

RT I—Orders and Notifications by the Governor of st Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT.
Constitution and Elections.

NOTIFICATION.

No 489A.R.—21st April 1948.—The following tification by the Secretary to the Governor of est Bengal is hereby published for general information:

"Notification No. 2114S., dated the 20th April 48 In His Majesty's name, His Excellency the vernor has assented to the West Bengal ctories and Mines (Control of Dismantling) Bill, 48

S. K. MUKHARJI,
Secretary to the Governor".

By order of the Governor,
M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal.

DEPARTMENT OF HEALTH AND SELF-GOVERNMENT.

Local Self-Government.

CORRIGENDUM.

No. L.S.-G.1M/36/48.—22nd April 1948.—In notification No. L.S.-G.1M/36/48, dated the 15th April 1948, publishing the names of elected Commissioners of the Sonamukhi Municipality in the district of Bankura at page 398 of Part I of the *Calcutta Gazette, Extraordinary*, dated the 15th April 1948, make the following correction :—

Under Ward No. I *for* "Sri Rabindra Nath Mukherji" *read* "Sri Rathindra Nath Mukherji"

By order of the Governor,
S. K. GUPTA,
Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Printing, West Bengal, at West Bengal Govt. Press, Alipore, on the 22nd April 1948.

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THURSDAY, APRIL 22, 1948

SECRETARY OF THE BENGAL LEGISLATURE CALCUTTA.

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION

No. 6821.—21st April, 1948.—The following Act of the West Bengal Legislature having been assented to in His Majesty's name by the Governor is hereby published for general information.

West Bengal Act XIII of 1948

THE WEST BENGAL FACTORIES AND MINES (CONTROL OF DISMANTLING) ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary* of the 22nd April 1948.]

An Act to provide for the control of dismantling of factories and mines.

WHEREAS it is expedient to provide for the control of dismantling of factories and mines;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the West Bengal Factories and Mines (Control of Dismantling) Act, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "to dismantle" a factory or a mine means to remove from its position the machinery or part of the machinery of the factory or the mine, where by such removal, the factory or the mine is rendered wholly or partly useless for its purpose, but does not include any temporary removal of the machinery or part of the machinery for purposes such as adjustment, cleaning and repairs;

(*b*) "factory" means a factory as defined in clause (*l*) of section 2 of the Factories Act, 1934, but includes also any premises which were at any time whether before or after the commencement of this Act a factory as so defined; Act XXV of 1934.

(*c*) "machinery" has the meaning assigned to that word in clause (*k*) of section 2 of the Factories Act, 1934; and Act XXV of 1934.

(*d*) "mine" has the meaning assigned to that word in clause (*f*) of section 3 of the Indian Mines Act, 1923. Act IV of 1923.

Dismantling a factory or a mine.

3. (*1*) No person shall, without the written permission of the Provincial Government or of an officer authorised in this behalf by the Provincial Government, dismantle any factory or mine or remove from a factory or a mine any spare parts kept for maintaining the machinery of the factory or the mine in order:

Provided that no such permission shall be required for removing spare parts from one factory or mine for use in another factory or mine within the Province of West Bengal:

Provided further that intimation in respect of such removal shall be given to the Provincial Government within seven days from the date of such removal.

The West Bengal Factories and Mines (Control of Dismantling) Act, 1948.

(Sections 4—8.)

(2) Any person who contravenes any of the provisions of sub-section (*1*) shall be punishable with imprisonment for a term which may extend to two years or with fine or with both

Offences by corporations or firms.

4. Where a company or other corporate body, or a firm contravenes any of the provisions of sub-section (*1*) of section 3, every director of such company or corporate body, every partner of such firm and every manager or secretary or other officer or agent of such company or corporate body or firm, shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Powers of entry, examination, taking evidence, etc.

5. (*1*) Subject to any rules made by the Provincial Government any officer authorised in this behalf by that Government, may, if he has reason to believe that any person has contravened any of the provisions of sub-section (*1*) of section 3 within the local limits for which he is so authorised,—

(*a*) enter with such assistants (if any), being persons in the service of the Crown as he thinks fit, any place;

(*b*) make such examination of the place and of any machinery, books or documents therein and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act; and

(*c*) exercise such other powers as may be necessary for carrying out the purposes of this Act:

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself;

(2) Any person who wilfully obstructs an officer authorised under sub-section (*1*) in the exercise of any power conferred by that sub-section, or fails to produce on demand any book or document in his custody or to comply with any demand for information, or knowingly or recklessly makes to such officer a statement false in a material particular shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

Cognizance of offence.

6. No prosecution for any offence under this Act shall be instituted except by or with the previous sanction of the Provincial Government or the officer authorised by the Provincial Government for the purposes of sub-section (*1*) of section 3.

Bar of legal proceedings.

7. No suit, prosecution, or other legal proceeding shall lie against any person for anything which is in good faith done, or intended to be done, under this Act.

Power to make rules.

8. (*1*) The Provincial Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide—

(*a*) for the procedure for the grant of the permission referred to in sub-section (*1*) of section 3;

(*b*) for an appeal against a refusal to grant the permission referred to in sub-section (*1*) of section 3 when such refusal is by an officer authorised in pursuance of that section; and

(*c*) for regulating the manner in which officers authorised under sub-section (*1*) of section 5 shall exercise their powers.

By order of the Governor,

B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 22nd April 1948.

No. C207



The Calcutta Gazette

Extraordinary

Published by Authority

FRIDAY, APRIL 23, 1948

RT I—Orders and Notifications by the Governor of t Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

No. 493A.R. - 22nd April 1948.—The following ; nation by the Secretary to the Governor of ; Bengal is hereby published for general ormation :—

Notification No. 2154S., dated the 22nd April :s —In His Majesty's name, His Excellency Governor-General has assented to the West gal Private Forests Bill, 1948.

S. K. MUKHARJI,
Secretary to the Governor.

By order of the Governor,

M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal

DEPARTMENT OF AGRICULTURE, FORESTS AND FISHERIES.

Forests.

NOTIFICATION.

No. 2524For. - 22nd April 1948.—In exercise of the power conferred by sub-section (3) of section 1 of the West Bengal Private Forests Act, 1948 (West Bengal Act XIV of 1948), the Governor is pleased to specify the date of publication of this notification in the *Calcutta Gazette* as the date on which sections 2 to 64 inclusive of the said Act shall come into force in the district of Midnapore except the Garbeta police-station in the Sadar subdivision of the said district and also in the district of Bankura.

By order of the Governor,
S. K. DEY,
Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Ptg., West Bengal
at West Bengal Govt. Press, Alipore, on the 23rd April 1948.

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FRIDAY, APRIL 23, 1948.

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 7061.—22nd April, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor-General, is hereby published for general information:—

West Bengal Act XIV of 1948

THE WEST BENGAL PRIVATE FORESTS ACT, 1948.

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THE WEST BENGAL PRIVATE FORESTS ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor-General was first published in the *Calcutta Gazette, Extraordinary*, of the 23rd April, 1948.]

An Act to provide for the conservation of private forests and for the afforestation in certain cases of waste-lands in West Bengal.

WHEREAS it is expedient to provide for the conservation of forests and for the afforestation of waste-lands in West Bengal where such forests or lands are not the property of the Crown or where the Crown has no proprietary right over such forests or lands;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the West Bengal Private Forests Act, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) This section shall come into force at once and the remaining provisions of this Act, in whole or in part, shall come into force in such areas and on such dates as the Provincial Government may, by notification, specify and for this purpose different dates may be specified for different provisions of this Act and for different areas.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Appellate Committee" means a committee the procedure of which shall be as prescribed, appointed by the Provincial Government in respect of a notified area to hear appeals under this Act consisting of three members of whom the Chairman shall be a Revenue Officer not below the rank of a Collector, one member shall be a member of the Indian Forest Service or the West Bengal Forest Service not below the rank of a Deputy Conservator of Forests and the other member shall be an owner of a private forest who shall be selected in the prescribed manner from amongst the owners of private forests in such notified area;

(*2*) "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;

(*3*) "conservation", used in reference to a forest, includes such measures as are necessary in the opinion of the Regional Forest-officer for the prevention or remedying of the erosion of the soil or any flood or landslide;

(*4*) "Controlled forest" means a forest in respect of which a working plan has been approved under sub-section (*1*) of section 4;

(*5*) "forest" includes any land recorded as forest in a record of rights prepared under Chapter X of the Bengal Tenancy Act, 1885; VIII of 1885.

(*6*) "forest-offence" means an offence punishable under this Act or under any rule made thereunder;

(*7*) "Forest-officer" means any person whom the Provincial Government or any officer empowered by the Provincial Government in this behalf, may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Forest-officer;

(*8*) "forest-produce" includes—

(*a*) the following whether found in, or brought from, a forest or not, that is to say: —

(*i*) timber, charcoal, caoutchouc, catechu, wood-oil, resin natural varnish, bark, lac, *mahua* flowers, *mahua* seeds, *kuth* and myrabolams, and

The West Bengal Private Forests Act, 1948.

(Chapter I.—Preliminary.—Section 2.)

(*a*) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and

(*b*) the following when found in, or brought from, a forest, that is to say:—

(*i*) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned, of trees,

(*ii*) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants, and

(*iii*) peat, surface soil, rock and minerals (including lime-stone, laterite, mineral oils, and all products of mines or quarries);

(*9*) "Forest Settlement-officer" means an officer, who shall ordinarily be a Revenue Officer, appointed by the Provincial Government to perform the functions of a Forest Settlement-officer under this Act and includes a Board, the procedure of which shall be as prescribed, appointed by the Provincial Government to perform such functions, consisting of not more than three officers of whom at least two shall be Revenue Officers;

(*10*) "notification" means a notification published in the *Official Gazette;*

(*11*) "notified area" means an area specified in a notification issued under sub-section (*1*) of section 3;

(*12*) "owner" includes any mortgagee in possession, lessee, common manager, receiver appointed by a competent Court and any person holding any property in trust and also includes a Court of Wards in respect of property under the superintendence or charge of such Court;

(*13*) "prescribed" means prescribed by rules made under this Act;

(*14*) "private forest" means a forest which is not the property of the Crown or over which the Crown has no proprietary right;

(*15*) "Regional Forest-officer" means a Forest-officer appointed by the Provincial Government as such by a notification for a notified area;

(*16*) "river" includes any stream, canal, creek or other channel, natural or artificial;

(*17*) "timber" includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not;

(*18*) "tree" includes palms, bamboos, stumps, brushwood and canes;

(*19*) "vested forest" means a forest of which the control has been vested in a Regional Forest-officer by a notification under sub-section (*2*) of section 6 or under section 7 or under section 11 and includes any forest deemed to be, or managed as, a vested forest under this Act;

(*20*) "waste-land" means any waste-land which is not the property of the Crown or over which the Crown has no proprietary right;

(*21*) "working plan" means a written scheme for the management and treatment of a forest; and

(*22*) "year" means a year beginning on the 1st day of April.

The West Bengal Private Forests Act, 1948.

(Chapter II.—Conservation of Private Forests and Afforestation of Waste-lands.—Sections 3, 4.)

CHAPTER II.

Conservation of Private Forests and Afforestation of Waste-lands.

Preparation of, and appeal and revision in respect of working plans for private forests.

3. (*1*) The Provincial Government may, by notification, direct that every owner of a private forest which is not a vested forest, but which is situated within such area as may be specified in the notification, shall prepare in the prescribed manner and submit within the period mentioned in the notification to the Regional Forest-officer a working plan for the conservation of such private forest.

(*2*) On the expiry of the period mentioned in the notification under sub-section (*1*), the Regional Forest-officer shall, after considering each working plan submitted to him under that sub-section, and after consultation in the manner prescribed with the Conservator of Forests of the forest circle within which such forest is situated, by an order in writing, accept the working plan or modify it in such manner as he may consider necessary or substitute another working plan for it.

(*3*) If any owner of such private forest does not submit a working plan within the period specified in the notification issued under sub-section (*1*), the Regional Forest-officer may, after consultation in the manner prescribed with the Conservator of Forests of the forest circle within which such forest is situated, prepare a working plan in respect of such forest.

(*4*) When the Regional Forest-officer by an order in writing modifies any working plan under sub-section (*2*) or substitutes another working plan under that sub-section for the working plan submitted under sub-section (*1*), he shall cause a copy of such order to be served in the prescribed manner upon the owner of such private forest to which such working plan relates and such owner may, within sixty days of the date of service of such order, appeal against such order to the Appellate Committee and the Appellate Committee may thereupon, after giving such owner an opportunity of being heard, by an order in writing, either accept the working plan with or without modifications or reject it and the decision of the Appellate Committee on every such appeal shall, subject to the provisions of sub-section (*5*), be final.

(*5*) The Board of Revenue may, on application by an owner of a private forest for revision of an order of the Appellate Committee passed in appeal under sub-section (*4*), and if such application is made within thirty days from the date of the order, call for the record of the appeal in which the order was passed and on receipt of such record, after giving such owner an opportunity of being heard, may, if it does not see fit to reject the application, direct the Appellate Committee by an order in writing to make such modifications in the working plan accepted by the said Committee under sub-section (*4*) as may be specified in such order in writing.

(*6*) The Board of Revenue shall, as soon as may be after an application for revision is disposed of under sub-section (*5*), communicate the order passed by it on such application to the Appellate Committee, and on receipt of such order the Appellate Committee shall, where the Board of Revenue has directed any modification to be made in such working plan, modify it accordingly.

Approved working plans.

4. (*1*) When the Appellate Committee accepts any working plan with or without modification under sub-section (*4*) of section 3, or modifies any working plan under sub-section (*6*) of the said section, or the Regional Forest-officer accepts, modifies or substitutes any working plan under the said section, or prepares any working plan under the said section, such Committee or officer shall by an order in writing approve such working plan or the working plan as so modified by the Committee or such officer, as the case may be, and every working plan so approved shall be

deemed for the purposes of this Act to be an approved working plan:

Provided that the Regional Forest-officer shall not so approve any working plan that he has modified or substituted by an order under sub-section (*2*) of section 3 if,—

(*a*) an appeal against the order has been made to the Appellate Committee; or

(*b*) where no such appeal has been made, the time within which such appeal may be made has not expired:

Provided further that the Appellate Committee shall not so approve any working plan accepted by it with or without modification by an order under sub-section (*4*) of section 3 if,—

(*a*) where an application for revision of the order has been made to the Board of Revenue, the order of the Board of Revenue on such application has not been received by such Committee; or

(*b*) where no such application for revision has been made, the time within which such application may be made has not expired.

(*2*) A copy of every approved working plan shall be sent in the prescribed manner by the Regional Forest-officer to the owner of the private forest to which it relates and the owner shall thereupon manage such forest in accordance with such plan and shall carry out all the terms and conditions thereof.

(*3*) At any time after five years from the date of approval of a working plan under sub-section (*1*), or with the previous sanction of the Provincial Government at any time within the said period of five years, a Regional Forest-officer may, after consultation in the manner prescribed with the Conservator of Forests of the forest circle within which the forest to which such working plan relates is situated, by an order in writing, modify the approved working plan in such manner as he considers necessary and the provisions of sub-sections (*4*), (*5*) and (*6*) of section 3 and sub-sections (*1*) and (*2*) of this section shall apply to every plan so modified:

Provided that nothing in this section shall prevent the owner after the expiry of the said period of five years from applying in writing to the Regional Forest-officer for the modification of the working plan in such manner as may be specified in the application and if the Regional Forest-officer, after giving the owner an opportunity of being heard, does not see fit after such consultation as aforesaid so to modify the working plan, he shall record an order to that effect and the owner may within thirty days from the date of such order appeal against such order to the Appellate Committee and an application for revision shall also lie to the Board of Revenue from any order passed by the Appellate Committee on such appeal if presented within thirty days from the date of such order and the decision of the Appellate Committee on such appeal shall, subject to such revision by the Board of Revenue, be final.

Prohibition of leases and extension of terms of existing leases of private forests after issue of notification under section 3 (*1*)

5. After the publication of a notification under sub-section (*1*) of section 3, no owner of a private forest in the notified area shall enter into any new lease or extend the term of any existing lease in respect of such forest until the working plan in respect of such forest has been approved under sub-section (*1*) of section 4 except with the previous sanction of the Provincial Government and, after such working plan has been so approved, except in accordance with the terms and conditions of such plan and any lease entered into or any extension of the term of any lease granted in contravention of the provisions of this section shall, notwithstanding anything contained in any other law for the time being in force, be void and have no effect.

Penalty for the violation of working plan.

6. (*1*) If after an approved working plan in respect of any private forest has been sent under sub-section (*2*) of section 4 to the owner of such forest, such owner fails or neglects to carry out any of the terms and conditions of such plan, he shall be punishable with fine which may extend to five hundred rupees:

The West Bengal Private Forests Act, 1948.

(Chapter II. Conservation of Private Forests and Afforestation of Waste-lands.—Sections 7, 8.)

Provided that no prosecution shall be instituted under this sub-section unless the Regional Forest-officer has served in the prescribed manner a notice on such owner specifying the terms and conditions of the working plan which such owner has failed or neglected to carry out and requiring such owner to take such steps for carrying them out as are specified in the notice within thirty days from the date of service of such notice and unless such owner has failed to comply with such notice.

(*2*) If the owner of a private forest is convicted a second or subsequent time under sub-section (*1*) for the failure or neglect to carry out any of the terms and conditions of the working plan in respect of such forest, the Provincial Government may, by a notification, direct that the control of such forest shall be vested in such Regional Forest-officer for such period as may be specified in such notification :

Provided that no such notification shall be issued until such owner has been called upon by notice in writing by the Regional Forest-officer within sixty days of such conviction to show cause before the Appellate Committee within such time as may be specified in the notice as to why such notification should not be issued and until the Appellate Committee, after considering the cause, if any, shown by him and any evidence which he may produce in support thereof, has recommended to the Provincial Government that such notification should be issued.

(*3*) Nothing in sub-section (*1*) shall render any owner of any private forest liable to conviction for any deviation from any approved working plan if such deviation has been previously sanctioned by the Regional Forest-officer on application made by such owner in that behalf to such officer or by the Appellate Committee on an appeal from an order of the Regional Forest-officer refusing to sanction such deviation presented by the owner to such committee within thirty days from the date of such order.

Vesting of forest in a Regional Forest-officer.

7. Notwithstanding anything contained in sections 3 and 4 or in sub-section (*2*) of section 6, if the Provincial Government is satisfied that the conservation of any private forest in a notified area should not be left to the owner thereof, the Provincial Government may, by a notification specifying the reasons for so doing, direct that the control of such forest shall be vested in such Regional Forest-officer for such period as may be specified in the notification :

Provided that no such notification shall be issued until,—

(*a*) the Regional Forest-officer has, by notice in writing, called upon the owner of such forest to show cause before the Appellate Committee within such period as may be specified in such notice why the control of such forest should not be so vested, and

(*b*) the Appellate Committee after considering the cause, if any, shown by the owner and any evidence which the owner may produce in support of the same has recommended that such notification should be issued.

Forest loans.

8. (*1*) Subject to rules made under this Act, loans may be granted on the recommendation of the Appellate Committee by such officer as may be empowered in this behalf by the Provincial Government to any owner of a controlled forest or of a vested forest who, in the opinion of the Appellate Committee, is likely to suffer unduly owing to any temporary reduction of his income resulting from any action taken under section 4 or sub-section (*2*) of section 6 or section 7 or to any owner of a controlled forest to enable such owner to pay any compensation payable by him under sub-section (*6*) of section 10 or sub-section (*2*) of section 25.

(*2*) An application for such a loan shall be made in the prescribed manner to the Appellate Committee and shall state the following particulars, namely :—

(*a*) the amount of the loan required,

(*b*) the reasons for which it is necessary, and

(*c*) the period for which it is required.

The West Bengal Private Forests Act, 1948.

(Chapter II—Conservation of Private Forests and Afforestation of Waste-lands.—Sections 9, 10.)

(3) After considering in the prescribed manner the application made under sub-section (2) and any evidence that may be produced in support thereof, the Appellate Committee shall state in writing its opinion as to whether or not a loan should be given, and, if it recommends the grant of a loan, shall forward the application to the officer empowered under sub-section (1) with its opinion, stating the reasons for such recommendation and specifying the following particulars, namely:—

(a) the amount of the loan that should be granted and the rate of the interest that should be charged,

(b) the instalments in which the loan should be advanced, and

(c) the period after which and the instalments in which the loan should be repaid.

(4) Subject to rules made under this Act all loans granted under sub-section (1), all interests, if any, chargeable thereon and costs, if any, incurred in granting such loans shall, when they become due, be recoverable by the Collector as if they were arrears of land revenue due in respect of the controlled forest or the vested forest of which the borrower was the owner at the time the loan was granted:

Provided that no proceeding in respect of any such forest under this sub-section shall affect any interest in that forest which existed before the date of the order granting the loan other than the interest of the borrower and of mortgagees of, or persons having charges on, the interest of the borrower.

Amalgamation of two or more vested forests under one working plan.

9. (1) If, after consultation in the prescribed manner with the Conservator of Forests of the forest circle within which the forests are situated, a Regional Forest-officer is of the opinion that it is impossible otherwise to secure the conservation of two or more forests, belonging to different owners, of which the control has been vested in him by a notification under sub-section (2) of section 6 or under section 7, he may record an order that such forests shall be managed under one working plan as if they belonged to one owner, and shall cause a copy of such order to be served in the prescribed manner on the owner of each such forest.

(2) The Regional Forest-officer may at any time, after consultation in the manner referred to in sub-section (1), by order in writing rescind or modify an order passed by him under that sub-section and a copy of every order passed under this sub-section shall be served in the prescribed manner on the owner of each such forest.

(3) Any owner or other person interested in any such forests may, within thirty days from the date on which the copy of any order passed under sub-section (1) or sub-section (2) is served on him, appeal against such order to the Appellate Committee and the decision of the Appellate Committee on such appeal shall, subject to the provisions of sub-section (4) be final.

(4) The Board of Revenue may, on application made within thirty days from the date of any order of the Appellate Committee passed in appeal under sub-section (3), revise such order.

Afforestation of land adjoining a forest.

10. (1) The Provincial Government may, if it is satisfied on application made by the owner of a controlled forest, or by the Regional Forest-officer in whom the control of a private forest is vested under this Act, that any land adjoining such forest has not been cultivated during the three years immediately preceding the year in which such application is made and that such land is suitable for afforestation, by notification, announce its intention to declare such land to be liable to be made over to the owner of such controlled forest or vested forest, as the case may be.

(2) Every notification issued under sub-section (1) shall specify a period within which objections to the proposed declaration may be submitted by any person interested in such land to the Appellate Committee and a copy of every such notification shall be served in the prescribed manner on the person entitled to cultivate such land.

The West Bengal Private Forests Act, 1948.

(Chapter II.—Conservation of Private Forests and Afforestation of Waste-lands.—Section 10.)

(*3*) After the expiry of the period so specified in a notification issued under sub-section (*1*), the Appellate Committee shall hear the objections, if any, submitted by the person entitled to cultivate such land or any other person interested in such land and any evidence which any such person may produce in support of the same and forward the objections so submitted and its opinion thereon to the Provincial Government.

(*4*) If, after considering the objections and the opinion of the Appellate Committee forwarded under sub-section (*3*), the Provincial Government is of opinion that such land should be declared to be liable to be made over to the owner of the controlled or vested forest referred to in sub-section (*1*), the Provincial Government shall issue a notification—

(*a*) declaring such land to be liable to be made over to the owner of such forest to be specified in the notification,

(*b*) specifying as nearly as possible the situation and limits of such land, and

(*c*) appointing a Forest Settlement-officer to determine, subject to any rules made under this Act, by an order in writing,—

(*i*) what rights in or over such land shall be extinguished, and

(*ii*) what rent, if any, shall be payable by the owner of such forest to any landlord of such land.

(*5*) When a notification has been issued under sub-section (*4*), the amount of the compensation payable under sub-section (*6*) to every person whose rights as specified by the Forest Settlement-officer under sub-clause (*i*) of clause (*c*) of sub-section (*4*) are to be extinguished shall be determined, subject to any rules made under this Act, in the manner and in accordance with the principles hereinafter set out, that is to say—

(*i*) when the amount of compensation can be fixed by the Forest Settlement-officer appointed under clause (*c*) of sub-section (*4*) by agreement, it shall be paid in accordance with such agreement;

(*ii*) where no such agreement can be reached, the Provincial Government shall appoint as arbitrator a person who has exercised the powers of a District Judge in West Bengal or who possesses such qualifications as are normally required for appointment to the post of District Judge in West Bengal;

(*iii*) at the commencement of the proceedings before the arbitrator the owner of the forest, or the Regional Forest-officer by whom the compensation is payable, and the person to be compensated shall state what in their respective opinions is a fair amount of compensation;

(*iv*) the arbitrator in making his award shall have regard to the provisions of sub-section (*1*) of section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable; 1 of 1894.

(*v*) an appeal shall lie to the High Court against an award of an arbitrator except in cases where the amount thereof does not exceed an amount prescribed in this behalf;

(*vi*) save as provided in this sub-section and in any rules made under this Act, nothing in any law for the time being in force shall apply to arbitrations under this sub-section.

(*6*) The amount of compensation determined under sub-section (*5*) shall be paid in the prescribed manner, in the case where the notification under sub-section (*1*) was issued on the application of the owner of a controlled forest, by such owner, and in the case where such notification was issued on the application of a Regional Forest-officer, by such officer out of the profits of the vested forest adjoining such land, to the person entitled to such compensation and, on payment of such compensation, the land shall be made over by the Forest Settlement-officer appointed under clause (*c*) of sub-section (*4*) to the owner of the controlled or vested

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forest specified in the notification issued under that sub-section and shall thereupon vest in such owner and all rights in or over such land specified by the said officer under sub-clause (*i*) of the said clause shall with effect from the date on which such land is so made over be extinguished.

(*7*) When any land is made over under sub-section (*6*) to the owner of a forest, it shall, with effect from the date on which it is so made over, be deemed to be a private forest.

(*8*) When any such land is made over under sub-section (*6*) to the owner of a vested forest which adjoins such land, the control of such land shall be vested in the Regional Forest-officer in whom the control of such forest is for the time being vested and the land shall, for the purposes of this Act, be deemed to be a vested forest.

(*9*) When any such land is made over under sub-section (*6*) to the owner of a controlled forest which adjoins such land, the Regional Forest-officer may, after consultation in the prescribed manner with the Conservator of Forests of the forest circle within which such controlled forest is situated, by an order in writing, a copy of which shall be served on such owner in the prescribed manner, either direct that the approved working plan in respect of such controlled forest shall be deemed to be the working plan approved for such land under sub-section (*1*) of section 4 or require such owner to prepare in the prescribed manner and submit within the period to be mentioned in such order to such officer a working plan in respect of such land.

(*10*) Where the owner of a controlled forest is required under sub-section (*9*) to prepare and submit a working plan in respect of the land made over to him under sub-section (*6*), the provisions of sections 3 and 4 shall apply to such working plan as if such owner has been required to prepare such working plan under sub-section (*1*) of section 3.

Afforestation of other land.

11. (*1*) If it appears from the report of a Regional Forest-officer that any waste-land which is lying uncultivated for not less than three years is suitable for afforestation and that the owner of such land is unwilling or unable to cultivate it by growing therein agricultural crops, or to use it for the purposes of horticulture to the satisfaction of such officer or to afforest it, the Provincial Government may, by a notification, direct that the control of such land shall be vested in a Regional Forest-officer to be specified in the notification for the purpose of afforestation for such period as may be stated in the notification:

Provided that the Provincial Government shall not issue any notification under this sub-section without considering whether or not such land can more advantageously be used for the purposes of agriculture or horticulture than for the purposes of afforestation:

Provided further that no such notification shall be published until a notice has been issued by such Regional Forest-officer calling upon the owner of such land and any other person interested therein to show cause before the Appellate Committee within such period as may be specified in the notice why the notification should not be published and until the cause, if any, shown and any evidence that may have been produced in support of the same before the Appellate Committee and the opinion of the Appellate Committee thereon have been considered by the Provincial Government.

(*2*) Any land in respect of which a notification has been published under sub-section (*1*) shall be deemed to be a vested forest for the purposes of this Act.

(*3*) When all expenses incurred by the Provincial Government for the afforestation of any such land have been recouped, the profits resulting from such afforestation shall, during the period the control of such land remains vested in a Regional Forest-officer, be divided in equal shares between the Provincial Government and the owner of the land.

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(Chapter II.—Conservation of Private Forests and Afforestation of Waste-lands.—Sections 12 -14.)

Apportionment of rents of forests held under a lease jointly with other lands and the division of the tenure or holding comprising a forest.

12. (*1*) Notwithstanding anything contained in any other law for the time being in force, where a private forest or any waste-land is, at the date of publication of a notification vesting the control thereof in a Regional Forest-officer under sub-section (*2*) of section 6 or under section 7 or under section 11, as the case may be,—

(*a*) held under a lease granted by the owner of such forest or land before the date of publication of such notification, and such lease comprises not only the areas included in such forest or land but also other areas, or

(*b*) held by the owner of such forest or land as part of a tenure or holding jointly with other lands,

the Collector of the district may, on application made in this behalf by such Regional Forest-officer,—

(*i*) in the case referred to in clause (*a*), by an order in writing, apportion, subject to rules made under this Act, the rent payable under the lease between the areas included within the vested forest and other areas comprised within the lease on the basis of their respective assets, and

(*ii*) in the case referred to in clause (*b*), by an order in writing direct the division of such tenure or holding in such manner that a separate tenure or holding is formed with the lands included within the vested forest and also direct such distribution of the rent payable in respect of such tenure or holding between the two separate tenures or holdings so formed as he deems fair and equitable:

Provided that no order shall be passed under this sub-section without giving, in the case of an order passed under clause (*i*) the lessor and the lessee of such forest or land, and in the case of an order passed under clause (*ii*) the owner of such forest or land and the landlord or landlords, or their common agent, if any, of the tenure or holding, a reasonable opportunity of being heard.

(*2*) An appeal shall lie from every order passed under sub-section (*1*) to the Commissioner of the Division if it is presented within thirty days from the date of such order and the decision of the Commissioner on such appeal shall be final and shall not be questioned in any Court.

Explanation.—In this section, "lease", "lessor" and "lessee" have the same meanings as in the Transfer of Property Act, 1882, and "tenure" and "holding" have the same meanings as in the Bengal Tenancy Act, 1885. IV of 1882. VIII of 1885.

Rent to be a charge on the leasehold interest in a vested forest.

13. Where a private forest or waste-land of which the control has been vested in a Regional Forest-officer by a notification under sub-section (*2*) of section 6 or under section 7 or under section 11 is, at the date of publication of such notification, held either exclusively or jointly with other property under a lease granted by the owner of such forest or land before such date, the rent payable under the lease or under an order of apportionment made under clause (*i*) of sub-section (*1*) of section 12 in respect of such forest or land during the period such forest or land remains so vested in the Regional Forest-officer shall, subject to the prior payment of the land-revenue, if any, due to the Government thereupon, be a first charge upon the leasehold interest in such forest created by such lease.

Power to order a vested forest to be formed into a separate estate.

14. The Provincial Government may, if it thinks it expedient, direct the Collector to partition off that part of an estate which comprises a vested forest into a separate estate; and the demand in respect of land-revenue and cess for which the original estate was liable shall on such partition be assessed upon and divided between the two separate estates so formed respectively in such manner as the Provincial Government may direct.

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(Chapter II.—Conservation of Private Forests and Afforestation of Waste-lands.—Sections 15—17.)

Power to exempt an estate of which a vested forest forms part from sale for arrears of revenue.

15. The Provincial Government may, if it so considers expedient, by a notification, exempt any estate, and subject to the provisions of section 14 of the Bengal Land-revenue Sales Act, 1859, every share or part of an estate for which a separate account has been opened under section 10, or section 11 of the said Act, or under section 70 of the Land Registration Act, 1876, of which a vested forest forms part, from sale for arrears of Government revenue accruing during the period the control of such forest remains vested in a Regional Forest-officer under sub-section (*2*) of section 6 or under section 7 or under section 11 or during such part of such period as may be specified in such notification: XI of 1859. Ben. Act VII of 1876.

Provided that where any such estate, share or part is so exempted, all such arrears of revenue shall be the first charge upon the sale-proceeds of such estate, share or part which may be sold otherwise than for such arrears of revenue.

Determination of cost of management of vested forest and distribution of net profit.

16. (*1*) The cost of any extra staff required for the management of a vested forest in each year shall be determined in the prescribed manner by the Regional Forest-officer and shall be recovered by him in that year, or in subsequent years, from the sale of the forest produce of such forest.

(*2*) The cost of the operations of any Forest Settlement-officer and such part of the cost of a Regional Forest-officer and of his staff as is proportionate to the work done by them in connection with the management of a vested forest shall be included in the cost of management.

(*3*) Any amount due in respect of a loan made under section 8 to the owner of a vested forest shall be included in the cost of management of such forest.

(*4*) Any amount paid as compensation by the Regional Forest-officer under sub-section (*6*) of section 10 out of the profits of a vested forest or paid as compensation by the Regional Forest-officer under sub-section (*2*) of section 25, and to be recouped under that sub-section from the profits of a vested forest, shall be included in the cost of management of such forest.

(*5*) Until otherwise determined by a competent Court, the respective shares of the owners of a vested forest shall be determined by a Forest Settlement-officer in the prescribed manner, and thereafter, the net profits in respect of such forest, which shall be calculated in the prescribed manner, shall be distributed among the various owners thereof in proportion to their respective shares as so determined.

(*6*) In each year the Regional Forest-officer shall record in a statement the cost of management with which each vested forest shall be charged and any amount which shall be paid in respect of the net profits calculated under sub-section (*5*) and shall cause a copy of such statement to be served in the prescribed manner on the owner of such forest.

Imposition of cess.

17. (*1*) The Provincial Government may impose in the prescribed manner on an acreage basis a cess on all private forests within a notified area with effect from such date, not being before the expiry of ten years from the date of publication of a notification under section 3, as the said Government may appoint.

(*2*) Such cess shall be so calculated as to yield a sum not greater than that which is sufficient to meet the cost of the Regional Forest-officer and his staff, including any expenses incurred in connection with their work to be determined in the prescribed manner.

(*3*) If the Regional Forest-officer or his staff does any work in connection with a Government forest, a proportionate deduction shall be made from the cost of such Regional Forest-officer and of his staff before the cess is calculated under sub-section (*2*).

(*4*) Every cess imposed under sub-section (*1*) shall be recoverable as a public demand under the Bengal Public Demands Recovery Act, 1913. Ben. Act III of 1913.

(*5*) The Provincial Government may, by general or special order, exempt any private forest in a notified area from the payment of any cess imposed under sub-section (*1*) or of any portion of such cess for such period as may be specified in such order.

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(Chapter II.—Conservation of Private Forests and Afforestation of Waste-lands.—Chapter III.—Rights in Forests. —Sections 18—20.)

Release of vested forest to the owner.

18. (*1*) If the owner of a vested forest satisfies the Appellate Committee—

(*a*) at any time after the expiry of fifteen years from the date of the notification by which the control of such forest has been vested in a Regional Forest-officer, that—

(*i*) the control of such forest may be restored to him without undue risk of detriment to its conservation, and

(*ii*) the cost of its management as determined under the provisions of sub-section (*1*) of section 16 has been recovered in full, or

(*b*) at any time after the expiry of thirty years from the date of such notification, that the cost of management of such forest as determined under the provisions of that sub-section has been recovered,

the Appellate Committee shall by order direct that with effect from a date, to be specified in such order, the control of such forest shall cease to be vested in the Regional Forest-officer:

Provided that no such order shall be made in the case of any forest, whether any working plan in respect of such forest has been previously approved under section 4 or not, until—

(*a*) the Appellate Committee has by an order called upon the owner of such forest to prepare in the prescribed manner and to submit within such period as may be specified in such order to the Regional Forest-officer a working plan in respect of such forest, and

(*b*) a working plan has been approved in respect of such forest in accordance with the provisions referred to in sub-section (*2*):

Provided further that no such order shall be passed regarding a forest in respect of which there subsists an order passed under sub-section (*1*) of section 9, unless the owners of all the forests, in respect of which the order under the said sub-section was passed, have satisfied the Appellate Committee that there will be no undue risk of detriment to the conservation of any of such forests if the control of the said forest ceases to be vested in the Regional Forest-officer.

(*2*) When the owner of a forest has been required under the first proviso to sub-section (*1*) to prepare and submit a working plan in respect of such forest, the provisions of sections 3 and 4 shall apply to such working plan as if such owner has been required to prepare such working plan under sub-section (*1*) of section 3.

(*3*) The fact that the control of any forest has ceased to be vested in a Regional Forest-officer shall not operate to revive any right which may have been extinguished or modified by a proclamation under section 28.

CHAPTER III.

Rights in Forests.

Control and demarcation of vested forest.

19. When a notification has been published in respect of any forest under sub-section (*2*) of section 6 or under section 7 or under section 11, the control of such forest shall be vested in the Regional Forest-officer, who shall forthwith proceed to demarcate it.

Appointment of Forest Settlement-officer.

20. (*1*) A Forest Settlement-officer shall be appointed by the Provincial Government in respect of every forest of which the control is vested in a Regional Forest-officer by a notification under sub-section (*2*) of section 6 or under section 7 or under section 11, and may be appointed in respect of any controlled forest on the application made in this behalf to the Provincial Government by its owner.

(*2*) Such appointment shall be made by a notification specifying in such notification, as nearly as may be possible, the situation and limits of such forest.

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(Chapter III.—Rights in Forests.—Sections 21—25.)

Bar of accrual of rights.

21. After the issue of a notification under section 20, no right shall be acquired in or over the land comprised in such notification, except by succession or under grant or contract in writing made or entered into, with the previous sanction of the Provincial Government, by or on behalf of the owner or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose, and cutting, conversion or removal of timber or the collection, manufacture or removal of other forest-produce, shall be made in such land except in accordance with such rules, if any, as may be made by the Provincial Government in this behalf.

Proclamation by Forest Settlement-officer.

22. (*1*) The Forest Settlement-officer shall publish in the neighbourhood of the forest in respect of which he has been appointed, a proclamation in Bengali and, if any other language has been prescribed in this behalf for the local area in which such forest is situated, also in such other language—

(*a*) specifying, as nearly as possible, the situation and limits of such forest;

(*b*) explaining the measures proposed for, and the consequences which will ensue on, the conservation of such forest; and

(*c*) requiring every person who claims any right, other than a right of ownership, over such forest or over any forest-produce from such forest, to give to such Forest Settlement-officer, within a period of not less than three months to be stated in the proclamation, particulars, either in writing or by word of mouth, of such right and the amount and nature of the compensation, if any, claimed in respect thereof.

(*2*) The Forest Settlement-officer shall take down in writing all statements made by word of mouth under clause (*c*) of sub-section (*1*).

Inquiry by Forest Settlement-officer.

23. (*1*) The Forest Settlement-officer shall at some convenient place inquire into the existence of any rights which are claimed under clause (*c*) of sub-section (*1*) of section 22 or which may be ascertained by him from any other source.

(*2*) The Forest Settlement-officer shall give a hearing to the Regional Forest-officer or an officer authorised by such Regional Forest-officer in writing, in this behalf, to satisfy himself as to the necessity of modifying or extinguishing any right in the interests of the conservation of the forest.

Powers of Forest Settlement-officer.

24. For the purpose of such inquiry, the Forest Settlement-officer may exercise the following powers, that is to say:—

(*a*) power to enter, by himself or by any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and

(*b*) the powers of a Civil Court in the trial of suits.

Specification and modification of rights.

25. (*1*) After completion of the inquiry under section 23, the Forest Settlement-officer shall, by an order in writing—

(*a*) record the nature of the rights existing at the time of the notification under section 20, and

(*b*) direct the modification or extinction of any such right, other than a right of ownership, in the interests of the conservation of the forest.

(*2*) When the Forest Settlement-officer directs under clause (*b*) of sub-section (*1*) the modification or extinction of any right, he shall, unless the person whose rights are affected has come to an agreement as to the amount of compensation payable to him, determine what compensation shall be awarded to such person, and the amount of any compensation payable under this sub-section to any such person shall be paid in the prescribed manner, in the case where the forest to which such right relates is a controlled forest, by the owner of such forest, and in the case where such forest is a vested forest, by the Regional Forest-officer in whom the control of such forest is vested under this Act and every payment so made by the Regional Forest-officer shall be recouped from the profits of the vested forest to which such right relates as part of the cost of management of such forest.

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(Chapter III.—Rights in Forests.—Chapter IV.—Penalties and Procedure.—Sections 26—29.)

Appeals.

26. (*1*) An appeal may be presented against any order made under section 25 within ninety days from the date of such order to the Commissioner of the Division by an owner of a forest or by a Regional Forest-officer or by any person who has given particulars of his claims under sub-section (*1*) of section 22.

(*2*) Every such appeal shall be made by a petition in writing and shall be heard in accordance with the procedure for the time being applicable to the hearing of appeals in matters relating to land-revenue.

(*3*) The order of the Commissioner on such appeal shall, subject to the provisions of sub-section (*4*), be final.

(*4*) An application for revision shall lie to the Board of Revenue from an order of the Commissioner passed in appeal under this section if it is presented within thirty days from the date of such order.

Pleaders.

27. The Provincial Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement-officer, or any appellate or revisional authority in the course of any inquiry, appeal or revision under this Act or before any arbitrator appointed to determine any compensation payable under sub-section (*5*) of section 10.

Extinction of rights.

28. (*1*) When the time within which appeals against orders under section 25 may be made has expired and, when any such appeal has been made under section 26, the time within which applications for revision of any order passed in such appeal may be made has also expired and all applications for revision under sub-section (*4*) of section 26 have been disposed of, the Forest Settlement-officer shall issue another proclamation specifying the rights which may be exercised in respect of the forest regarding which any such order under section 25 has been made and also specifying the date with effect from which all rights in respect of such forest which are not specified in such proclamation shall be extinguished.

(*2*) A translation of such proclamation in Bengali and, if any other language has been prescribed in this behalf for the local area in which such forest is situated, also in such other language shall be published in the neighbourhood of such forest before the date so specified in such proclamation.

(*3*) With effect from the date so specified in such proclamation all rights in respect of such forest not specified in such proclamation shall be extinguished.

CHAPTER IV.

Penalties and Procedure.

Penalties for breach of rules.

29. (*1*) Any person who,—

(*a*) fells, girdles, lops, taps, or burns any tree in a controlled or vested forest or strips off the bark or leaves from or otherwise damages, any such tree,

(*b*) quarries any stone, or burns any lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest-produce from a controlled or vested forest,

(*c*) breaks up or clears for cultivation or any other purpose any land in a controlled or vested forest,

(*d*) sets fire to a controlled or vested forest, or kindles a fire without taking all reasonable precautions to prevent its spreading to any portion of such forest, or

(*e*) permits cattle to damage any tree in a controlled or vested forest,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(*2*) Any person contravening any rule made under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

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(Chapter IV.—Penalties and Procedure.—Sections 30—33.)

Imposition of collective fine on the inhabitants in certain cases.

30. (*1*) If it is proved to the satisfaction of the District Magistrate that in any vested forest—

(*a*) any cattle have been permitted to trespass,

(*b*) any trees have been felled, girdled, lopped, tapped, burnt, or otherwise damaged,

(*c*) any other forest-produce has been burnt or removed, or

(*d*) any land has been broken up for any purpose,

otherwise than in the exercise of any right in or over such forest with intent to cause detriment to the conservation of such forest, and if the District Magistrate is satisfied after enquiry that the inhabitants of any local area are concerned in the commission of any such offences or are in any way assisting persons in committing such offences, the District Magistrate may, by order in writing in which shall be specified the reasons for making such order, impose on the inhabitants of such area a collective fine which may extend to five hundred rupees or three times the value estimated by him of any forest-produce damaged, whichever is greater, and may, after such further enquiry, as he deems necessary, apportion such fine amongst such inhabitants and such apportionment shall be made according to the respective means of such inhabitants.

(*2*) Every order imposing a collective fine under sub-section (*1*) shall be forthwith published in the local area in such manner as the District Magistrate considers best calculated to bring the order to the notice of the inhabitants of the area concerned.

(*3*) The District Magistrate may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(*4*) The portion of such fine payable by any person may be recovered from him as a fine or as a public demand under the Bengal Public Demands Recovery Act, 1913. Ben. Act III of 1913.

(*5*) Every apportionment of collective fine made under sub-section (*1*) shall be subject to revision by the Commissioner of the Division on application made in that behalf to him by any person affected by such apportionment within thirty days from the date on which such apportionment is made and the decision of the Commissioner thereon shall be final.

Nothing in sub-section (*1*) of section 29 to prohibit acts done in certain cases.

31. No act shall be an offence for the purposes of sub-section (*1*) of section 29 if it is done—

(*a*) in the exercise of any right in or over such forest, or

(*b*) in respect of a vested forest, with the permission in writing of a Forest-officer, or

(*c*) in respect of a controlled forest, with the permission in writing of the owner thereof or of his authorised agent, or

(*d*) in accordance with rules made under this Act.

Seizure of property liable to confiscation.

32. (*1*) When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce together with all tools, boats, motor vehicles, carts or cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer.

(*2*) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Power to release property seized under section 32.

33. Any Forest-officer of a rank not inferior to that of a Ranger, or any Police-officer of a rank not inferior to that of a Sub-Inspector, who, or whose subordinate, has seized any tools, boats, motor vehicles, carts or cattle under section 32, may release the same on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

(Chapter IV.—Penalties and Procedure.—Sections 34—38.)

Information to the Magistrate and procedure thereupon.

34. The Regional Forest-officer may cause information to be given to a Magistrate regarding any forest-offence which he has reason to believe to have been committed in respect of any forest-produce; and upon receipt of any such information, the Magistrate shall, with all convenient despatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

Notice to claimants of seized forest-produce.

35. (*1*) If a Regional Forest-officer has not caused information to be given to a Magistrate under section 34 in respect of any forest-produce seized under sub-section (*1*) of section 32, he shall, if there is any doubt as to the person who is entitled to such produce, cause a notice to be published in such manner as may be prescribed containing a description of such produce and requiring any person who may claim the same to present a written statement of his claim to him within such period as may be specified in such notice.

(*2*) If only one such statement of claim is presented in respect of any such forest-produce, the Regional Forest-officer shall, after making such inquiry as he thinks fit and recording his reasons in writing, either reject the claim or deliver the produce to the claimant.

(*3*) If more than one such statement of claim is presented, the Regional Forest-officer may, after making such inquiry as he thinks fit and after recording his reasons in writing, either deliver the forest-produce to such of the persons as he considers to be entitled thereto or refer the claimants to the Civil Court and retain such produce pending receipt of an order from the Civil Court for its disposal.

(*4*) Any person whose claim has been rejected under this section may, within three months from the date of rejection of such claim, institute a suit to recover possession of the forest-produce claimed by him; but no person shall be entitled to recover any compensation or costs against the Provincial Government, or against any Forest-officer, on account of rejection of such claim, or on account of the detention or removal of any forest-produce, or the delivery thereof to any other person under this section.

(*5*) No such forest-produce shall be subject to any process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been instituted as provided in this section.

Disposal of unclaimed forest-produce.

36. If no statement of claim is presented in respect of any such forest-produce after a notice has been published under sub-section (*1*) of section 35, or if a person whose claim has been rejected under that section omits to institute a suit under sub-section (*4*) thereof, the ownership of such forest-produce shall vest in the Provincial Government free from all encumbrances, or, when such forest-produce has been delivered to any person under sub-section (*3*) of that section, in such person free from all encumbrances not created by such person.

Disposal of seized property after information has been given under section 34.

37. (*1*) Any forest-produce in respect of which a forest-offence has been committed and information has been given to a Magistrate under section 34 shall, on the conclusion of the trial for such offence, be made over to the owner of the forest from which it was derived or to any other person whom the Magistrate deems to be entitled to the same:

Provided that, if it is not known from which forest such produce was derived, such forest-produce and all tools, boats, motor vehicles, carts and cattle used in committing such forest-offence shall be liable to confiscation.

(*2*) Such confiscation may be in addition to any other punishment which may be awarded under this Act for such offence.

Disposal of confiscated property on conclusion of trial.

38. When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it has been confiscated, be taken charge of by a Forest-officer.

Procedure when offender cannot be found.

39. When the offender cannot be found, the Magistrate may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Regional Forest-officer, or to be made over to the person whom the Magistrate deems to be entitled to the same:

Provided that no such order shall be made until the expiry of one month from the date of seizing such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

Procedure as to perishable property seized under section 32.

40. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 32 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

Appeal from orders under section 37 or section 39.

41. The officer who made the seizure under section 32, or any of his official superiors, or any person claiming to be interested in the property so seized, may, within one month from the date of any order passed by the Magistrate under section 37 or section 39, appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

Property when to vest in Government.

42. When an order for the confiscation of any property has been passed under section 37 or section 39, as the case may be, and the period limited by section 41 for an appeal from such order has expired, and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Provincial Government free from all encumbrances.

Saving of power to release property seized.

43. Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the Provincial Government from directing at any time the immediate release of any property seized under section 32.

Punishment for wrongful seizure.

44. Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks.

45. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code— **Act XLV of 1860.**

(*a*) knowingly counterfeits upon any timber or standing tree in a controlled or vested forest a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person, or

(*b*) alters, defaces or obliterates any such mark placed on a tree or on timber in a controlled or vested forest by or under the authority of a Forest-officer, or

(*c*) alters, moves, destroys or defaces any boundary mark of any forest or waste-land to which the provisions of this Act apply or are applied,

shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Power to arrest without warrant.

46. (*1*) Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards under this Act

(*2*) Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case or to the officer-in-charge of the nearest police-station.

Power to release on a bond a person arrested.

47. Any Forest-officer of a rank not inferior to that of a Ranger, who, or whose subordinate, has arrested any person under the provisions of section 46, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case or before the officer-in-charge of the nearest police-station.

Power to prevent commission of offence.

48. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Power to try offences summarily.

49. The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the Provincial Government may try summarily, under the Code of Criminal Procedure, 1898, any forest-offence punishable with imprisonment for a term not exceeding six months, or with fine not exceeding five hundred rupees, or with both. Act V of 1898.

Power of Court to order payment of rewards out of fine.

50. Whenever a Court imposes a fine under this Act or confirms in appeal under this Act a sentence of fine or a sentence of which fine forms a part, for a forest-offence other than an offence specified in sub-section (*1*) of section 6 or section 44, the Court may, when passing judgment, order any portion of the fine recovered to be paid to the person whose information led to the detection of the offence.

Power to compound offences.

51. (*1*) The Provincial Government may, by notification, empower a Forest-officer—

(*a*) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in sub-section (*1*) of section 6, section 41 or section 45, a sum of money, not exceeding fifty rupees, by way of compensation for the offence which such person is suspected to have committed; and

(*b*) when any property of such person has been seized, to release the same.

(*2*) On the payment of such sum of money to such officer, the suspected person, if in custody, shall be discharged, the property, if any, of such person seized shall be released, and no further proceedings shall be taken against such person or property.

(*3*) If the forest-offence has been committed in respect of a controlled forest, the amount of any compensation paid to a Forest-officer empowered under sub-section (*1*) to accept such compensation, or such part of such amount as the Forest-officer deems equitable in the circumstances, may, at the discretion of the Forest-officer, be paid to the owner of the controlled forest; but the amount of any compensation not so paid to the owner of a controlled forest and the amount of any compensation paid to such a Forest-officer if the forest-offence has been committed in respect of a vested forest shall be paid into the revenues of the Province.

(*4*) A Forest-officer shall not be empowered under this section unless he is a Forest-officer of a rank not inferior to that of a Ranger.

Onus of proof.

52. Notwithstanding anything contained in any other Act, when in any area in respect of which the Provincial Government has made rules under clause (*b*) of sub-section (*2*) of section 41 of the Indian Forest Act, 1927, any person is found to be moving forest-produce without a pass from an officer duly authorised to issue the same, the burden of proof that such person has not committed an offence under this Act in respect of such forest-produce shall lie on him. XVI of 1927.

CHAPTER V.

Regional Forest-officers.

Provincial Government may invest Regional Forest-officers with certain powers.

53. (*1*) The Provincial Government may invest any Regional Forest-officer with all or any of the following powers, that is to say:—

(*a*) power to enter upon any land, or to authorise any officer to enter thereon with servants and workmen, and to survey, demarcate and make a map of the same;

(*b*) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects;

(*c*) power to issue a search-warrant under the Code of Criminal Procedure, 1898; and Act V of 1898.

(*d*) power to hold an enquiry into forest-offences, and, in the course of such enquiry, to receive and record evidence.

(*2*) Any evidence recorded under clause (*d*) of sub-section (*1*) shall be admissible in any subsequent trial before a Magistrate, provided that it has been taken in the presence of the accused person.

Power of officers.

54. It shall be lawful for any officer authorised either generally or specially in this behalf by the Regional Forest-officer to enter with his subordinates and servants and workmen at any time upon any part of a controlled forest for the purpose of ascertaining whether there has been any violation of an approved working plan and to do any other acts which are in his opinion necessary for carrying out the purposes of this Act.

Forest-officers deemed public servants.

55. All Forest-officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Act XLV of 1860.

Indemnity for acts done in good faith.

56. No suit shall lie against any public servant for anything done by him in good faith under this Act.

CHAPTER VI.

Rules.

Power to make rules.

57. (*1*) The Provincial Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, the Provincial Government may make rules to provide for all or any of the following matters, namely:—

(*a*) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce from controlled or vested forests in notified areas;

(*b*) the granting of licenses to the inhabitants of towns and villages in the vicinity of controlled or vested forests to take trees, timber or other forest-produce for their own use, and the production and return of such licenses by such persons;

(*c*) the granting of licenses to persons for selling or removing trees or timber or other forest-produce from controlled or vested forests for the purposes of trade, and the production and return of such licenses by such persons;

(*d*) the payments, if any, to be made by the persons mentioned in clauses (*b*) and (*c*) for permission to cut such trees, or to collect and remove such timber or other forest-produce;

(*e*) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made;

(*f*) the examination of forest-produce passing out of controlled or vested forests in notified areas;

(*g*) the clearing and breaking up of land for cultivation or other purposes in controlled or vested forests in notified areas;

(*h*) the protection from fire of timber lying in controlled or vested forests in notified areas;

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(Chapter VI.—Rules.—Section 57.)

(*i*) the cutting of grass and pasturing of cattle in controlled or vested forests in notified areas;

(*j*) hunting, shooting, fishing, poisoning water and setting traps or snares in controlled or vested forests, and the killing or catching of elephants in such forests in areas in which the Elephants' Preservation Act, 1879, is not in force; VI of 1879.

(*k*) the powers and duties of Forest-officers under this Act;

(*l*) the procedure of an Appellate Committee referred to in clause (*1*) of section 2 and the manner in which an owner of a private forest shall be selected a a member of such Appellate Committee;

(*m*) the procedure of a Board appointed to perform the functions of a Forest Settlement-officer referred to in clause (*9*) of section 2;

(*n*) the manner in which the working plan referred to in sub-section (*1*) of section 3 shall be prepared, the consultation referred to in sub-sections (*2*) and (*3*) of that section shall be made and the copy of the order referred to in sub-section (*4*) of that section shall be served;

(*o*) the manner in which the approved working plan shall be sent under sub-section (*2*) of section 4 and the consultation referred to in sub-section (*3*) of that section shall be made;

(*p*) the grant of loans referred to in sub-section (*1*) of section 8, the manner of making applications for such loans under sub-section (*2*) of that section, the manner in which such applications shall be considered and the recovery of such loans and the interest and costs in respect thereof under sub-section (*4*) of that section;

(*q*) the manner in which the consultation referred to in sub-sections (*1*) and (*2*) of section 9 shall be made and copies of the orders passed under the said sub-sections shall be served;

(*r*) the manner in which the copy of a notification issued under sub-section (*1*) of section 10 shall be served under sub-section (*2*) of that section, the determination by the Forest Settlement-officer of the matters specified in clause (*c*) of sub-section (*4*) of that section, the determination of compensation referred to in sub-section (*5*) of that section, the maximum amount of an award against which no appeal shall lie under clause (*c*) of that sub-section, the manner of payment of compensation under sub-section (*6*) of that section, and the manner in which the consultation referred to in sub-section (*9*) of that section shall be made, a copy of the order referred to in that sub-section shall be served and the working plan referred to in that sub-section shall be prepared;

(*s*) the apportionment of rent referred to in clause (*i*) of sub-section (*1*) of section 12;

(*t*) the manner in which the cost of management referred to in sub-section (*1*) of section 16 and the respective shares of the owners of a vested forest and the net profits in respect of such forest referred to in sub-section (*5*) of that section shall be determined or calculated and the copy of the statement referred to in sub-section (*6*) of that section shall be served;

(*u*) the manner in which the cess referred to in sub-section (*1*) of section 17 may be imposed and the costs and expenses referred to in sub-section (*2*) of that section shall be determined;

(*v*) the manner in which the working plan referred to in clause (*a*) of the first proviso to sub-section (*1*) of section 18 shall be prepared;

(*w*) the clearing of land for cultivation or for any other purpose and the cutting, conversion and the removal of timber and the collection, manufacture and removal of other forest-produce referred to in section 21;

(*x*) the language other than Bengali referred to in sub-section (*1*) of section 22 and in sub-section (*2*) of section 28;

(*y*) the manner in which the compensation referred to in sub-section (*2*) of section 25 shall be paid;

(*z*) the manner in which the notice referred to in sub-section (*1*) of section 35 shall be published;

(*zz*) the manner in which the forest-produce referred to in sub-section (*3*) of section 60 shall be sold; and

(*zzz*) the manner of service of notices issued under this Act.

(*3*) In making any rule under this section the Provincial Government may provide that a contravention thereof shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Application of rules made under sections 41 and 42 of the Indian Forest Act, 1927, to transit of forest-produce from private forests.

58. All rules made by the Provincial Government to regulate the transit of timber and other forest-produce under sections 41 and 42 of the Indian Forest Act, 1927, for the time being in force, shall apply so far as may be to the transit of all timber and other forest-produce from any private forest to which any of the provisions of this Act apply. XVI of 1927.

CHAPTER VII.

MISCELLANEOUS.

Conservation of forest or afforestation of land at the request of owners.

59. Notwithstanding anything elsewhere contained in this Act, the Provincial Government may, on application made in this behalf in writing by the owner of any private forest or of any waste-land referred to in sub-section (*1*) of section 11 or, if there be more than one owner thereof, by the owners of shares therein amounting in the aggregate to at least one-half thereof, to the Collector of the district in which such forest or land is situated, by a notification, apply the provisions of this Act applicable to vested forests, subject to such restrictions or conditions as may have been determined by an agreement between the said Collector and such person or persons, to such forest or land and thereupon such forest or land shall be managed on behalf of such owner or owners as a vested forest in accordance with such provisions by a Regional Forest-officer specified in this behalf by the Provincial Government.

Recovery of money due to Regional Forest-officer and lien on forest-produce for such money.

60. (*1*) All money payable to a Regional Forest-officer under this Act or under any rule made under this Act, other than money payable in respect of the cost of management of a vested forest, and all money payable to such officer on account of the price of any forest-produce or on account of expenses incurred in the execution of this Act in respect of such produce shall, if not paid when due, be recoverable as a public demand under the Bengal Public Demands Recovery Act, 1913. Ben. Act III of 1913.

(*2*) When any such money is payable for or in respect of any forest-produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken posssession of by a Regional Forest-officer until such amount has been paid.

(*3*) If such amount is not paid when due, the Regional Forest-officer may sell such produce in the prescribed manner, and after payment of the costs of the sale the proceeds thereof shall be applied first in discharging such amount.

(*4*) The surplus, if any, if not claimed within one year from the date of the sale by the person entitled thereto, shall be forfeited to the Crown.

Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act, 1894.

61. Whenever it appears to the Provincial Government that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of section 4 of the Land Acquisition Act, 1894. I of 1894

Powers of the Regional Forest-officer and control of the Provincial Government.

62. Subject to the provisions of this Act and to any rules made thereunder every Regional Forest-officer—

(*a*) may do all such things requisite for the proper management of the forest the control of which has been vested in him under this Act as the owner of such forest might do for its management, and

(*b*) shall in the exercise of his powers and in the performance of his duties in relation to such forest be guided by such orders and instructions as may, from time to time, be issued in this behalf by the Provincial Government.

Repeal and savings.

63. (*1*) Sections 35, 36, 37 and 38 of the Indian Forest Act, 1927, in their application to West Bengal are hereby repealed. XVI of 1927.

(*2*) Such repeal shall not affect anything done or suffered or any obligation or liability accrued or any penalty incurred or any proceedings commenced before the commencement of this Act.

(*3*) Any private forest or waste-land held under the control of a Forest-officer under section 36 of the Indian Forest Act, 1927, immediately before the commencement of this Act shall, on such commencement, notwithstanding the repeal of the said section, continue to be so held under the control of a Regional Forest-officer under the provisions of this Act applicable to a vested forest and shall be deemed to be a vested forest for the purposes of this Act.

(*4*) All lands which immediately before the commencement of this Act were being managed as a reserved or a protected forest under the provisions of section 38 of the Indian Forest Act, 1927, shall, on such commencement, notwithstanding the repeal of the said section, continue to be managed under the provisions of section 59 of this Act as a vested forest subject to such terms as may have been mutually agreed upon between the owner or owners of such lands and the Collector, and the application made under sub-section (*1*) of the said section 38 by the owner or owners of any such land shall be deemed to be an application made under the said section 59.

Repeal of Ben. Act XI of 1945.

64. The Bengal Private Forests Act, 1945, is hereby repealed. Ben. Act XI of 1945.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal.

...ered No. C207

The

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FRIDAY, APRIL 23, 1948

PART IIIA—Ordinances promulgated by the Governor of West Bengal under the Government of India Act, 1935.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

West Bengal Ordinance No. I of 1948.

THE BENGAL TANKS IMPROVEMENT (WEST BENGAL AMENDMENT) ORDINANCE, 1948.

WHEREAS the Bengal Tanks Improvement (Amendment) Act, 1946, made by the Governor of Bengal under the legislative powers assumed to himself under the Proclamation, dated the 31st March, 1941, issued under section 93 of the Government of India Act, 1935, will, by virtue of the provisions of Article 6 of the India (Provisional Constitution) Order, 1947, read with sub-section (*1*) of the said section 93, cease to have effect on the 24th April, 1948; Ben. Act V of 1946. 26 Geo. V, c. 2.

AND WHEREAS the West Bengal Legislature is not in session and the Governor is satisfied that it is urgently necessary in the public interest to continue in operation with certain modifications the amendments made by the said Bengal Tanks Improvement (Amendment) Act, 1946, in the Bengal Tanks Improvement Act, 1939, and also to make certain other amendments therein; Ben. Act XV of 1939.

The Governor is pleased in exercise of the power conferred by sub-section (*1*) of section 88 of the Government of India Act, 1935, to make and promulgate the following Ordinance, namely:—

Short title and commencement.

1. (*1*) This Ordinance may be called the Bengal Tanks Improvement (West Bengal Amendment) Ordinance, 1948.

(*2*) It shall come into force at once.

Temporary amendment of Bengal Act XV of 1939.

2. While this Ordinance is in force the Bengal Tanks Improvement Act, 1939, shall have effect as if

(*1*) in section 2 -

(*a*) before clause (*1*) the following clause had been inserted, namely: —

"(*a1*) 'agricultural land' includes land used for the growing of vegetables and the like and also waste land which is capable of cultivation but does not include a fruit garden, an orchard, any temple, mosque or homestead land", and

(*b*) after clause (*5*) the following clause had been inserted, namely: —

"(*5a*) 'person having control over a tank' does not include a person by whom the tank is held for a limited time and whose interest in the tank is not transferable;";

(*2*) in section 3 for the words "requiring him" the words "requiring such person to intimate to him within a period specified in the notice if such person is willing to carry out and in case such person is so willing then," had been substituted;

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(Section 2.)

(*3*) in section 4—

(*a*) in sub-section (*1*)—

(*i*) for the words and figure "If the improvements referred to in section 3 are not carried out" the following words had been substituted, namely :—

"If the person having control over the tank does not send any intimation or sends any intimation to the Collector within the period specified in the notice under section 3 that he is not willing to carry out the improvements referred to in that section or sends any intimation to the Collector within such period that he is willing to carry out the improvements but fails to carry out the improvements", and

(*ii*) for the words "by a notice to" the words "by a notice served in the prescribed manner on" had been substituted,

(*b*) to sub-section (*2*) the following words and figures had been added, namely :—

"or the number entered in the record-of-rights finally published under Chapter X of the Bengal Tenancy Act, 1885, of the survey plot comprising such tank", and VIII of 1885.

(*c*) in sub-section (*3*) for the word "issue" the word "confirmation" had been substituted;

(*4*) in sub-section (*2*) of section 6, after the words "give preference to" the words "the sole owner or" had been inserted;

(*5*) after section 6, the following section had been inserted, namely :—

Order for possession of lands adjoining a derelict tank for carrying out improvements in such tank.

"6A. (*1*) If any authorised person considers it necessary for the purpose of carrying out the improvements in a derelict tank to take possession of any land adjoining such tank, he may,—

(*a*) if he is the Collector, take possession of such land by order in writing,

(*b*) if he is not the Collector, apply in the prescribed manner to the Collector to be empowered to take possession of such land and the Collector may, if he is satisfied after considering the application that such land is required for carrying out the improvements, empower the authorised person by order in writing to take possession of such land:

Provided that the Collector shall not take possession or empower any authorised person to take possession of such land without giving in the prescribed manner the person in possession of such land reasonable opportunity of making any representation he may like to make and without considering any representation so made.

(*2*) Every order made under sub-section (*1*) shall specify the boundaries of the land to which it relates or the number entered in the record-of-rights finally published under Chapter X of the Bengal Tenancy Act, 1885, of the survey plot comprising such land and shall be in such form as may be prescribed.";

(*6*) in section 7,—

(*1*) in sub-section (*1*),-

(*a*) for the words "If any authorised person—" the words "If any authorised person other than the Collector—" had been substituted,

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(Section 2.)

(*b*) for clause (*a*) the following clause had been substituted, namely :—

"(*a*) fails to carry out the improvements to the satisfaction of the Collector in accordance with the conditions contained in an order referred to in sub-section (*3*) of section 6",

(*c*) after the words and figure "made under section 6" the words, figures, letters and brackets "as well as any order made under clause (*b*) of sub-section (*1*) of section 6A" had been inserted,

(*d*) after the words "in respect of the tank" the words, figures, letters and brackets "and in respect of any land of which possession is taken as a result of an order made under clause (*b*) of sub-section (*1*) of section 6A" had been inserted,

(*e*) after the words "shall take possession of the tank" the words "and such land" had been added, and

(*f*) in sub-section (*2*), after the word "tank" the words "and such land" had been inserted;

(*5*) for section 8, the following section had been substituted, namely :

Authorised person to retain possession of a derelict tank for a period not exceeding twenty-five years.

"8. Subject to the provisions of this Act, the Collector or an authorised person shall be entitled to remain in possession of a derelict tank of which possession has been taken under the provisions of this Act for such period not exceeding twenty-five years from the date on which possession of the derelict tank was taken under section 5 or section 6 as may, in the opinion of the Collector, be necessary to recover the amount referred to in sub-section (*1*) of section 17 :

Provided that the Collector may, after considering the views of the authorised person, if any, and for reasons to be recorded in writing, vary such period from time to time subject to the maximum limit of twenty-five years.";

(*6*) for clause (*a*) of section 9 the following had been substituted, namely :—

"(*a*) such person pays to the Collector so much of the costs incurred up to that time both by the authorised person in carrying out the required improvements in the tank and by the Collector in carrying out the purposes of this Act in respect of the tank as remains unrecovered after realisation by the authorised person under this Act of the fees referred to in section 17 or of any sum under any lease referred to in section 18, together with interest on the costs so remaining unrecovered at a rate not exceeding six and a quarter *per centum per annum*, and" ;

(*9*) After section 9, the following sections had been inserted, namely :—

Authorised person to retain possession of land adjoining a tank during the period of possession of such tank.

"9A. An authorised person shall be entitled to remain in possession of any land adjoining a derelict tank of which possession is taken under section 6A as long as such person remains in possession of such derelict tank under section 8.

Restoration of possession of land adjoining a derelict tank and the retaking of possession of such land.

9B. (*1*) Notwithstanding anything contained in section 9A, if the person recorded as entitled to possession of any land adjoining a derelict tank in the record-of-rights referred to in section 22 or his successor in interest is not the person recorded as entitled to possession of such derelict tank in the record-of-rights referred to in the said section or his successor in interest, then the Collector may, at the request of the person so recorded as entitled to possession of such

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(Section 2.)

land or his successor in interest or of the authorised person at any time after the required improvements in the tank have been completed, by an order in writing, restore the possession of such land to the person so recorded as entitled to possession of such land or to his successor in interest, although the possession of the tank by the authorised person has not terminated, and when the possession of such land is so restored all rights in the land which existed prior to the time when possession was first taken of the land under section 6A shall be revived:

Provided that before the Collector takes any action under this sub-section at the request of any person other than the authorised person, the Collector shall give the authorised person a reasonable opportunity of making any representation he may like to make and the Collector shall consider any representation so made.

(2) The person to whom the possession of such land has been restored under sub-section *(1)* shall not use it in such manner as may cause damage to the banks of the derelict tank or may affect the use of the tank for the purposes of irrigation.

(3) If the person referred to in sub-section *(2)* fails, in the opinion of the Collector, to comply with the provisions of that sub-section, the Collector may,

(a) again empower the authorised person by an order in writing to take possession of such land whereupon the authorised person shall forthwith take possession thereof, or

(b) if he is the authorised person, himself again take possession of such land by order in writing,

and the authorised person so taking possession of such land again shall retain such possession as long as he remains in possession of the tank.

(4) Every order made under sub-section *(3)* shall specify the boundaries of the land to which it relates or the number entered in the record-of-rights finally published under Chapter X of the Bengal Tenancy Act, 1885, of the survey plot comprising such land and shall be in such form as may be prescribed. VIII of 1885.

Restoration of possession of land adjoining a derelict tank on the restoration of possession of such tank under section 9.

9C. When the possession of a derelict tank is restored by the Collector under section 9, the Collector shall at the same time restore the possession of any land adjoining such tank of which possession was taken under section 6A and has not already been restored under sub-section *(1)* of section 9B or of which possession was retaken under sub-section *(3)* of section 9B to the person recorded as entitled to possession of such land in the record-of-rights referred to in section 22 or to his successor in interest:

Provided that where the person to whom the possession of the tank is restored under section 9 is not the person recorded as entitled to possession of such land in the said record-of-rights or his successor in interest the possession of such land shall not be so restored until the improvements, if any, required to be carried out in the tank under clause *(b)* of the proviso to section 9 has been completed if the person to whom the possession of the tank is so restored agrees to pay the person so recorded as entitled to possession of such land the compensation which would have been payable by the authorised person under sub-section *(1)* of section 14A if such authorised person had continued to be in possession of such land.";

(10) in section 10, after the words "derelict tank" the words, figures, letters and brackets "or any land of which possession is taken under section 6A or is retaken under sub-section *(3)* of section 9B" had been inserted;

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(*11*) in section 11,—

(*a*) after the words "derelict tank" the words "or of any land adjoining a derelict tank under this Act" had been inserted,

(*b*) after the words "said tank" the words "or land" had been inserted, and

(*c*) in the proviso, after the words "where rent" the words "in respect of the tank" had been inserted;

(*12*) section 12 had been renumbered as sub-section (*2*) of that section and before the said section as so renumbered the following sub-section had been inserted, namely:—

"(*1*) Where a derelict tank is, at the time of the taking of possession thereof by an authorised person, in the actual possession of the owner of the tank, the authorised person shall pay, during the period he remains in possession, to such owner at such times and in such manner as may be prescribed, such rent as the Collector, after such enquiry as he thinks fit, may determine:

Provided that where the authorised person is the owner of the tank in actual possession thereof, no such payment of the rent determined by the Collector under this sub-section shall be necessary; but the amount of such rent shall be included in and form part of the costs incurred or likely to be incurred by the authorised person in carrying out the required improvements in the tank.";

(*13*) in section 14,—

(*a*) in sub-section (*1*) the words "but not less than the *salami* paid by such cultivator for the lease" had been omitted, and

(*b*) to that sub-section the following provisos had been added, namely:—

"Provided that the compensation payable to such cultivators shall not be less than an amount which bears to the total amount of *salami*, as determined by the Collector to have been paid for obtaining the lease, the same ratio as the unexpired period of lease bears to the total period of such lease:

Provided further that where no period of lease is expressly mentioned or agreed to between the parties concerned the total period of lease shall be taken as twelve years.";

(*14*) after section 14 the following section had been inserted, namely:

Payment of compensation to persons having rights in lands adjoining a tank of which possession is taken under this Act.

"14A. (*1*) Where the owner of a derelict tank is not the owner of any land adjoining such tank of which possession is taken under section 6A, or retaken under sub-section (*3*) of section 9B, the authorised person shall, at such times and in such manner as may be prescribed, pay to the person in possession of such land at the time of taking or retaking possession thereof such compensation as the Collector, after such inquiry as he thinks fit, may determine. Such compensation shall not be less than the amount of the rent which the person so dispossessed is liable to pay in respect of the land and shall be deemed to be a full and complete satisfaction for all loss suffered by such person as a result of interference with his possession.

(*2*) Where the owner of a derelict tank is also the owner of any land adjoining such tank of which possession is taken under section 6A, or retaken under sub-section (*3*) of section 9B, the authorised person shall—

(*a*) in the case where such land is in the actual possession of the owner thereof, pay at such times and

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in such manner as may be prescribed to such owner such rent as the Collector, after such inquiry as he thinks fit, may determine:

Provided that where the authorised person is the owner of such land in actual possession thereof, no such payment of the rent determined by the Collector under this clause shall be necessary; but the amount of such rent shall be included in and form part of the costs incurred or likely to be incurred by the authorised person in carrying out the required improvements in the tank; and

(*b*) in other cases, pay at such times and in such manner as may be prescribed to any person to whom such land has been leased out and who holds such land as lessee at the time such possession is taken or retaken and to every other person having at that time, on payment of any rent or charge, any right in such land, such compensation as the Collector, after such inquiry as he thinks fit, may determine, and such compensation shall not be less than the amount of the rent or charge which the person to whom the compensation is paid continues to be liable to pay to the owner or the tenant of such land and shall be deemed to be a full and complete satisfaction for all loss suffered by every such person as a result of the interference with the exercise of his right.";

(*15*) section 15 had been renumbered as sub-section (*1*) of that section and to the said section as so renumbered the following sub-section had been added, namely:—

"(*2*) During the period any land, of which possession is taken under section 6A, or retaken under sub-section (*3*) of section 9B, remains in the possession of an authorised person, no person shall without the permission of the authorised person use or occupy such land or take fruits from trees on, or other produce from, such land.";

(*16*) for sections 16 and 17, the following sections had been substituted, namely:—

Rights to use the water of the tank.

"16. During the period of possession all rights to use the water of the tank for irrigation purposes shall vest in the authorised person and no person shall use the water of the tank for such purposes except with the permission of the authorised person or in so far as he may be permitted to do so by or under the provisions of this Act.

Maximum irrigation area.

16A. (*1*) When the possession of any tank has been taken under section 5 or section 6 the Collector shall determine in the prescribed manner the maximum area of land to the limits of which irrigation from the said tank may practicably be extended (hereinafter referred to as the maximum irrigation area) and the system and alignment by which and the priority in accordance with which such irrigation can be so extended to the land in that area, and shall publish a notice in the prescribed form and manner defining the limits of the maximum irrigation area and specifying the system, alignment and priority so determined.

(*2*) Every person possessing agricultural land within the maximum irrigation area shall, subject to the provisions of sub-sections (*3*) and (*4*), be liable to pay a fee annually during the period of possession to the authorised person at the rate fixed and in the manner provided under section 17 and such liability shall not cease by reason of such person not using water for irrigation purposes from the tank to which the maximum irrigation area relates.

(*3*) Any person concerned may, within thirty days of the date of the publishing of the notice referred to in sub-section (*1*), apply in the prescribed form and manner and on payment of the prescribed fee to the Collector for—

(*a*) including any land within the maximum irrigation area,

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(*b*) excluding any land from the maximum irrigation area, and

(*c*) exempting any land or part of any land from liability to pay the fee referred to in sub-section (*2*) on the ground that such land cannot practicably be irrigated from the tank to which the maximum irrigation area relates, or cannot be benefited by such irrigation or that such land is not agricultural land,

and the Collector after giving the applicant a reasonable opportunity of being heard may pass such order as to such inclusion, exclusion or exemption as he thinks fit.

(*4*) The Collector may of his own motion at any time after the expiry of thirty days from the date of publishing of the notice referred to in sub-section (*1*), include within the maximum irrigation area any land which was not agricultural land at the time of publication of such notice but has subsequently been converted into agricultural land, or otherwise revise the limits of the maximum irrigation area or exempt any land or part of any land within such maximum irrigation area from liability to pay the fee referred to in sub-section (*2*) and the Collector shall modify the list referred to in sub-section (*1*) of section 16B accordingly :

Provided that before any order for such inclusion, revision or exemption is passed all persons concerned shall by notice served or published in the prescribed manner be given a reasonable opportunity of making any representation which they may like to make and the Collector shall consider such representation.

Preparation of list.

16B. (*1*) As soon as may be after the Collector has disposed of any applications made under sub-section (*3*) of section 16A he shall prepare a list in the prescribed form and manner of the persons who are liable to pay the fee referred to in sub-section (*2*) of that section and such list shall specify the amount of agricultural land within the maximum irrigation area in respect of which each such person is to pay such fee and the amount of such fee which such person is to pay annually to the authorised person.

(*2*) The Collector shall publish the list referred to in sub-section (*1*) and every modification of such list in the manner prescribed and shall, where the authorised person is not the Collector, forward a copy of such list and every modification of such list to the authorised person who shall permit every person whose name is entered in the list or his successor in interest to use the water of the tank for the irrigation of the land of such person as long as the amount of the fee payable by such person is duly paid and not otherwise.

(*3*) If any dispute arises between persons entered in the list prepared under sub-section (*1*) as to any matter in respect of the use of water by such persons from the tank for the irrigation of their lands the authorised person or a person authorised in this behalf by the Collector shall decide the dispute and his decision, subject to the provisions of section 26, shall be final.

Payment and rate of fees.

17. (*1*) Every person whose name is included in the list referred to in sub-section (*1*) of section 16B or his successor in interest shall pay annually and in the prescribed manner and on the dates prescribed to the authorised person or to such person as may be authorised by the Collector in this behalf the fees fixed according to the provisions of this section.

(*2*) If the fees payable under sub-section (*1*) are not paid within thirty days from the due date fixed for such payment, interest on the amount of the fees so outstanding shall be payable at the rate of six and one quarter *per centum per annum* calculated from the day on which such payment became due until the date on which the amount of the fees so outstanding is paid or recovered, as the case may be.

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(*3*) The Collector shall fix, in respect of any tank of which possession is taken under this Act and for which the maximum irrigation area has been determined by the Collector, the rate or rates at which fees to be paid to the authorised person under sub-section (*1*) shall be calculated and different rates may be so fixed for classes of agricultural lands of different descriptions or having different advantages or for lands for the irrigation of which any person had at the time when possession was taken of the tank under this Act the prescriptive right to use water for irrigation.

(*4*) The rate to be fixed under sub-section (*3*) shall be such that all costs incurred or likely to be incurred

(*i*) by the authorised person in carrying out the required improvements in the tank; and

(*ii*) by the Collector in carrying out the purposes of this Act in respect of the tank;

may be recovered together with interest thereon at a rate, fixed by the Provincial Government, not exceeding six and one quarter *per centum per annum* and together with an amount estimated by the Collector as is likely to be necessary for maintaining the tank in proper condition during the period of possession determined by the Collector under section 8.

(*5*) The Collector may revise the rate or rates of fees fixed under this section in respect of any tank.

(*6*) Any sum due to the authorised person under this section shall be recoverable as a public demand.

Passage of water.

17A. No person shall obstruct the passage of any water taken for irrigation purposes from any tank in accordance with the system, alignment and priority for taking water as determined by the Collector under sub-section (*1*) of section 16A.";

(*17*) section 18 had been re-numbered as sub-section (*1*) of that section and to the said section as so re-numbered the following sub-sections had been added, namely:—

"(*2*) During the period any land of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B remains in the possession of an authorised person, such authorised person may, subject to the provisions of this Act and the previous permission of the Collector, lease to any person for a period not extending beyond the said period of possession any part of the said land or any right to take fruits from trees on, or other produce from, such land.

(*3*) Any sum due to the authorised person under any lease granted under this section shall be recoverable as a public demand.

(*4*) All sums realised or estimated to be realised by the Collector or by the authorised person under any lease granted under this section and any other income derived from the tank including banks thereof and from adjoining lands taken possession of under section 6A and by the sale of silt or otherwise, shall be applied in payment of the costs recoverable under sub-section (*4*) of section 17";

(*18*) in section 19, after the words "derelict tank" the words, figures, letters and brackets "or in respect of any land of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B" had been inserted;

(*19*) after section 19, the following section had been inserted, namely:—

Bar to acquisition of occupancy rights in lands leased out under section 18.

"19A. Notwithstanding anything contained in the Bengal Tenancy Act, 1885, no person shall acquire any occupancy right in any part of the banks of, or in any land adjoining, a tank leased out to such person under section 18 and no person who has held any part of the banks of any tank under a lease under section 18 at any time since the commencement of this Act shall be deemed to have acquired any occupancy right therein.";

VIII of 1885.

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(*20*) for section 20, the following section had been substituted, namely:—

"20. (*1*) When any tank has been re-excavated at the expense of the Provincial Government as a relief measure by the system commonly known as Test or Famine Relief, the Collector may, after giving an opportunity to the person having control over the tank to be heard in the matter, direct that possession of such tank shall be taken over by the Collector.

Application of Act to tank improved as a relief measure.

(*2*) When possession of any improved tank is taken over under sub-section (*1*) such tank shall be deemed for the purposes of this Act to be a tank taken over and improved under the provisions of this Act and the provisions of this Act shall thereupon apply *mutatis mutandis* to such tank accordingly.";

(*21*) for section 21, the following section had been substituted, namely:—

"21. (*1*) When the possession of a derelict tank is terminated in accordance with the provisions of section 8, the tank shall be restored to the possession of the persons who were recorded as entitled to possession thereof in the record-of-rights referred to in section 22, or their successors in interest and any land possession of which was taken under section 6A but has not been previously restored under section 9B or section 9C or possession of which has been retaken under sub-section (*3*) of section 9B shall be restored to the possession of the persons who are recorded as entitled to possession thereof in the record-of-rights referred to in section 22 or their successors in interest.

Restoration of possession of tank.

(*2*) When possession of any tank or land is restored under sub-section (*1*) or under section 9, all rights in the tank including all rights to use the water for the purposes of irrigation which existed prior to the time when possession was first taken of the tank under section 5 or section 6 and all rights in such land which existed prior to the time when possession of the land was taken under section 6A or retaken under sub-section (*3*) of section 9B, as the case may be, excepting any rights for which compensation has been paid under section 14, shall be revived.";

(*22*) in sub-section (*1*) of section 22,—

(*a*) after the words "under this Act" the words, figures, letters and brackets "and a record-of-rights in respect of the lands adjoining such tanks of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B" had been inserted;

(*b*) after the words "such tank" the words "or during the period for which any such land remains in the possession of an authorised person" had been inserted;

(*c*) after the words "in the record-of-rights" the words "in respect of such tank or such land" had been added; and

(*d*) after sub-section (*1*) the following sub-section had been inserted, namely:—

"(*1a*) In the record-of-rights prepared under sub-section (*1*) there shall be shown in addition to any other details that may be prescribed, the following:—

(*a*) the names of all persons beginning from the actual possessor upwards upto and including the stage of the owner having permanent transferable right in the tank and adjoining lands together with their addresses, nature and extent of right and interest in the tank

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and adjoining lands as existing immediately before possession of such tank or land is taken under the provisions of this Act;

(*b*) the revenue or rent and cesses, if any, payable by the different persons referred to in clause (*a*) in respect of the tank or land or if that be not ascertainable then the revenue or rent and cesses in respect of the estate, tenure or holding in which such tank or land is included; and

(*c*) the numbers of cadastral survey plots together with the names and addresses of possessors of such plots who may have immediately before possession of such tank is taken the prescriptive right of taking water from such tank for irrigation purposes.";

(*23*) for section 23, the following had been substituted, namely:—

"23. (*1*) The Provincial Government may by order published in the *Official Gazette* direct that any tank which may have been improved under the provisions of this Act prior to the commencement of this Ordinance shall, with effect from a date to be specified in such order, be deemed to have been improved in accordance with the provisions of this Act as amended by this Ordinance.

Application of the Act to certain tanks.

(*2*) When an order under sub-section (*1*) is made in respect of any tank, the Collector shall in the prescribed manner, prepare or revise the list of maximum irrigation area, revise the order regarding period of possession and assessment of fees and take such other action as may be deemed necessary to give effect to such order.";

(*24*) for section 24, the following section had been substituted, namely:—

"24. All costs incurred by the Collector in carrying out the purposes of this Act in respect of a tank of which possession is taken under section 6 or in respect of any land of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B shall be paid by the authorised person at such times and in such manner as may be prescribed, and on default in payment thereof the same shall be recoverable by the Collector as a public demand.";

Costs.

(*25*) section 25 had been renumbered as sub-section (*1*) of that section, and—

(*a*) in the said section as so renumbered, the words, figures and brackets "or among any other persons referred to in sub-section (*2*) of section 16" had been omitted; and

(*b*) to the said section as so renumbered, the following sub-section had been added, namely:—

"(*2*) During the period any land of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B remains in the possession of an authorised person, all disputes relating to the exercise of any rights in respect of such land shall be decided by the Collector in such manner as may be prescribed.";

(*26*) in section 26,—

(*a*) after the words "any action" the words "or decision" had been inserted, and

(*b*) after the words "other than the Collector" the words "or any person authorised by the Collector" had been inserted;

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(*27*) in section 29,—

(*a*) after the word "tank" the words "or of any land adjoining such tank" had been inserted; and

(*b*) after the words "period of possession" the words "of such tank or during the period for which any such land remains in the possession of an authorised person" had been inserted;

(*28*) section 30 had been renumbered as sub-section (*1*) of that section and after sub-section (*1*) as so renumbered the following sub-section had been added, namely:—

"(*2*) No suit or other proceedings shall lie against the Collector, other authorised person or any officer or worker employed by or under the Collector for anything in good faith done or intended to be done or purporting to be done under the provisions of this Act or any rule made thereunder.";

(*29*) in section 33, after the word "tank" the words "or in the land adjoining such tank" had been inserted;

(*30*) in section 34, after the word and figure "section 5" the words, figures, letters and brackets "or clause (*a*) of sub-section (*1*) of section 6A, clause (*b*) of sub-section (*3*) of section 9B" had been inserted;

(*31*) in section 35, for the words, figures and brackets "or sub-section (*1*) of section 16" the words, figures and letter "section 16 or section 17A" had been substituted;

(*32*) in section 36, after the word "tank" the words "or of any land adjoining a tank" had been inserted;

(*33*) in sub-section (*2*) of section 37,—

(*1*) in clause (*a*) for the words, figures and brackets "order under sub-section (*1*) of section 6" the words, figures, letters and brackets "orders under sub-section (*1*) of section 6, sub-section (*1*) of section 6A and sub-section (*3*) of section 9B" had been substituted;

(*2*) in clause (*b*) after the word and figure "section 3" the words and figures "sub-section (*1*) of section 4" had been inserted;

(*3*) after clause (*c*) the following clause had been inserted, namely:—

"(*cc*) the manner of making an application under clause (*b*) of sub-section (*1*) of section 6A and of giving reasonable opportunity to the person in possession of the land to make any representation under the proviso to the said sub-section;"

(*4*) in clause (*d*), for the words, figures and brackets "and sub-section (*2*) of section 14" the words, figures, letter and brackets "sub-section (*2*) of section 14 and sub-sections (*1*) and (*2*) of section 14A" had been substituted;

(*5*) after clause (*d*) the following clauses had been inserted, namely:—

"(*dd*) the manner of determining the maximum irrigation area and the system, alignment and priority of irrigation in that area, and the form and the manner of publishing the notice defining the limits of the maximum irrigation area and the system, alignment and priority of irrigation in that area, under sub-section (*1*) of section 16A and the form and manner of the application and the fee payable under sub-section (*3*) of that section;

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(ddd) the manner of service and publication of notice referred to in the proviso to sub-section *(4)* of section 16A;

(dddd) the form of the list and the manner of its preparation under sub-section *(1)* of section 16B and the manner of publication of the list and every modification thereof under sub-section *(2)* of that section;

(ddddd) the manner and the dates of payment of fees under sub-section *(1)* of section 17;"

(6) in clause *(c)* for the word "record-of-rights" the word "records-of-rights" had been substituted;

(7) after clause *(c)* the following clause had been inserted, namely:—

"*(cc)* the manner of preparation and revision of the list of maximum irrigation area referred to in sub-section *(2)* of section 23; and

(8) in clause *(f)*, for the word and figures "section 25" the words, figures and brackets "sub-sections *(1)* and *(2)* of section 25" had been substituted.

Repeal of Ben. Act V of 1946.

3. The Bengal Tanks Improvement (Amendment) Act, 1946, is hereby repealed. Ben. Act V of 1946.

C. RAJAGOPALACHARI,
Governor of West Bengal.

The 21st April, 1948.

B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 23rd April 1948.

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THE BENGAL LEGISLATURE
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The Calcutta Gazette

Extraordinary

Published by Authority

TUESDAY, APRIL 27, 1948.

RT IIIA—Ordinances promulgated by the Governor of West Bengal under the Government of India Act, 1935.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

West Bengal Ordinance No. II of 1948

The West Bengal Land Development and Planning Ordinance, 1948.

WHEREAS the West Bengal Legislature is not in session and the Governor is satisfied that it is necessary in the public interest to take immediate action for making better provision for the acquisition and development of land in West Bengal for public purposes;

The Governor is pleased in exercise of the power conferred by sub-section (*1*) of section 88 of the Government of India Act, 1935, to make and promulgate the following Ordinance, namely:— 26 Geo. V, c. 2.

Short title, extent and commencement.

1. (*1*) This Ordinance may be called the West Bengal Land Development and Planning Ordinance, 1948.

(*2*) It extends to the whole of West Bengal; but it shall not apply to the Calcutta Municipality as defined in clause (*b*) of section 2 of the Calcutta Improvement Act, 1911, or to any area to which that Act has been extended under sub-section (*3*) of section 1 thereof before the commencement of this Ordinance. Ben. Act V of 1911.

(*3*) It shall come into force at once.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

(*a*) the expressions "land", "Collector" and "Company" respectively have the same meanings as in the Land Acquisition Act, 1894; 1 of 1894.

(*b*) "development scheme" means a scheme for the development of land for any public purpose as defined below;

(*c*) "notified area" means an area declared under sub-section (*1*) of section 4 to be a notified area;

(*d*) "public purpose" includes—

(*i*) the settlement of immigrants from outside the province of West Bengal,

(*ii*) the establishment of towns, model villages and agricultural colonies,

(*iii*) the creation of better living conditions in urban and rural areas, and

(*iv*) the improvement and development of agriculture, forestry, fisheries and industries;

(*e*) "rules" means rules made under this Ordinance.

Appointment of the prescribed authority.

3. The Provincial Government may appoint, in accordance with the rules, an authority (hereinafter referred to as the prescribed authority) for carrying out the purposes of this Ordinance.

The West Bengal Land Development and Planning Ordinance, 1948.

(*Sections 4—7.*)

Declaration of notified area.

4. (*1*) The Provincial Government may, by notification in the *Official Gazette*, declare any area specified in the notification to be a notified area if it is satisfied that any land in such area is needed or is likely to be needed for any public purpose and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the locality in such manner as he may think fit.

(*2*) Thereupon it shall be lawful for any person either generally or specially authorised by such Government in this behalf and for his servants and workmen,—

to enter upon and survey and take levels of any land in such area;

to dig or bore into the sub-soil;

to do all other acts necessary to ascertain whether the land is suitable for such purpose;

to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;

to mark such levels, boundaries and line by placing marks and cutting trenches; and

where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that the Officer so authorised shall at the time of such entry pay or tender payment of all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue officer of the district, and such decision shall be final.

Preparation and sanctioning of development scheme.

5. (*1*) The Provincial Government may direct the prescribed authority, or, if it so thinks fit in any case, authorise any Company or local authority, to prepare, in accordance with the rules, a development scheme in respect of any notified area and thereupon such scheme shall be prepared accordingly and submitted, together with such particulars as may be prescribed by the rules, to the Provincial Government for its sanction.

(*2*) A development scheme submitted to the Provincial Government under sub-section (*1*) may be sanctioned by it either without any modification or subject to such modification as it may deem fit.

Declaration for acquisition of land needed for development scheme.

6. (*1*) When a development scheme is sanctioned under sub-section (*2*) of section 5 and the Provincial Government is satisfied that any land in the notified area for which such scheme has been sanctioned is needed for the purpose of executing such scheme, a declaration to the effect that such land is needed for a public purpose shall, unless already made in pursuance of section 7, be made by the Provincial Government.

(*2*) The declaration shall be published in the *Official Gazette*, and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

Special provision in cases of urgency.

7. In cases of urgency, if in respect of any notified area the Provincial Government is satisfied that the preparation of a development scheme is likely to be delayed, the Provincial Government may, at any time, make a declaration under section 6, in respect of such notified area or any part thereof though no development scheme has either been prepared or sanctioned under section 5.

The West Bengal Land Development and Planning Ordinance, 1948.

(Sections 8—11.)

Application of Act I of 1894 subject to special provision for compensation.

8. A declaration under section 6 shall be conclusive evidence that the land in respect of which the declaration is made is needed for a public purpose and, after making such declaration, the Provincial Government may acquire the land and thereupon the provisions of the Land Acquisition Act, 1894 (hereinafter in this section referred to as the said Act), shall, so far as may be, apply: I of 1894.

Provided that—

(*a*) if in any case the Provincial Government so directs, the Collector may, at any time after a declaration is made under section 6, take possession, in accordance with the rules, of any waste or arable land in respect of which the declaration is made and thereupon such land shall vest absolutely in the Crown free from all incumbrances;

Explanation.—For the purposes of this clause the decision of the Provincial Government as to whether any land is or is not waste or arable land shall be final;

(*b*) in determining the amount of compensation to be awarded for land acquired in pursuance of this Ordinance the market value referred to in clause *first* of sub-section (*1*) of section 23 of the said Act shall be deemed to be the market value of the land on the date of publication of the notification under sub-section (*1*) of section 4 for the notified area in which the land is included subject to the following condition, that is to say,—

if such market value exceeds by any amount the market value of the land on the 31st day of December, 1946, on the assumption that the land had been at that date in the state in which it in fact was on the date of publication of the said notification, the amount of such excess shall not be taken into consideration.

Power to dispose of land without development.

9. Notwithstanding anything elsewhere contained in this Ordinance or in any rule or order made thereunder, the Provincial Government may, if it so considers expedient, retain, let on hire, lease, sell, exchange or otherwise dispose of any land acquired in pursuance of this Ordinance.

Execution of development scheme and disposal of land.

10. (*1*) The Provincial Government may direct the prescribed authority to execute any development scheme sanctioned under sub-section (*2*) of section 5 or cause it to be executed in accordance with the rules and upon the execution of the scheme as so directed the lands comprised therein shall be disposed of by the Collector in such manner as may be directed by the Provincial Government.

(*2*) If the Provincial Government so thinks fit, it may also empower a Company or a local authority to execute, at its own cost, any such development scheme and to dispose of the lands comprised therein on such terms and conditions including conditions relating to the manner of disposal of land as may be settled by the Provincial Government and embodied in an agreement to be entered into by the Provincial Government and the Company or local authority, as the case may be.

Withdrawal of power from Company or local authority to execute development scheme or to dispose of land.

11. If, at any time, the Provincial Government is satisfied that any of the terms or conditions contained in an agreement referred to in sub-section (*2*) of section 10 is not being complied with, it may, by order served in accordance with the rules on the Company or local authority, as the case may be, withdraw the power conferred on it to execute any development scheme or to dispose of the lands comprised therein or both and may thereafter make such arrangement in that behalf as it may deem fit and proper.

The West Bengal Land Development and Planning Ordinance, 1948.

(Sections 12, 13.)

Protection of action taken under this Ordinance.

12. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rule or order made thereunder.

Power to make rules.

13. (*1*) The Provincial Government may make rules for carrying out the purposes of this Ordinance.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the designation, the personnel and the manner of appointment of the prescribed authority;

(*b*) the preparation of development schemes and the particulars to be submitted with development schemes referred to in sub-section (*1*) of section 5;

(*c*) the manner of taking possession of land referred to in clause (*a*) of the proviso to section 8;

(*d*) the execution of development schemes referred to in section 10;

(*e*) the manner of service of orders referred to in section 11.

C. RAJAGOPALACHARI,
Governor of West Bengal.

The 24th April, 1948.

B. K. GUHA,
Secy. to the Govt. of West Bengal.

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TUESDAY, APRIL 27, 1948

ART I—Orders and Notifications by the Governor of st Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION.

No. 5126D.C.S.—27th April 1948.—In continuation of notification No. 4713D.C.S., dated 9th April 1948, and in exercise of the powers conferred by the first proviso to paragraph 11 of the West Bengal Cotton Cloth and Yarn Control Order, I hereby extend up to the 15th May 1948, the time for filing of applications under the said order for renewal of licenses which have ceased to be valid after the 31st March 1948.

Thereafter such applications, except in Group "C" shall be accepted up to the 31st May 1948, if they are accompanied with the usual fee *plus* 50 per cent. extra, only when the defaulters have satisfied the licensing officers concerned that failure to

renew by 15th May 1948 was due to unavoidab
circumstances.

Applications for renewal of existing licens
"G", "F", shall be accepted up to 31st May 19
without charging any extra fee.

P. R. SINHA,
Director of Textile

Printed and published by the Superintendent, Govt. Printing,
Bengal, at West Bengal Govt. Press, Alipore, on the 27th April

egistered No. C207

THE BENGAL LEGISLATURE CALCUTTA.

The Calcutta Gazette

Extraordinary

Published by Authority

THRUSDAY, APRIL 29, 1948

ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT.
Constitution and Elections.

NOTIFICATIONS.

No. 512A.R.—27th April 1948.—The following otification by the Secretary to the Governor of Vest Bengal is hereby published for general formation :—

"Notification No. 2225S., dated the 26th April 948.—In His Majesty's name, His Excellency the overnor has assented to the West Bengal District oards (Amendment) Bill, 1948.

S. K. MUKHARJI,
Secretary to the Governor."

By order of the Governor,
M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal.

No 514A.R.—28th April 1948.—The following otification by the Secretary to the Governor of Vest Bengal is hereby published for general formation :—

"Notification No. 2239S., dated the 27th April 948.—In His Majesty's name, His Excellency e Governor has assented to the Bengal Jute egulation (West Bengal Amendment) Bill, 1948.

S. K. MUKHARJI,
Secretary to the Governor."

By order of the Governor,
M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal.

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

ORDER.

No. L.S.-G. 1M/46/48.—28th April 1948.—Whereas the Provincial Government in their resolution No. L.S.-G. 1059/47/1M., dated the 18th July 1947, issued an order under section 553 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), superseding the Commissioners of the Kalimpong Municipality in the district of Darjeeling for the period from the 18th July 1947 to the 30th April 1948;

And whereas it will not be possible to reconstitute the Commissioners of the said municipality under clause (*ii*) of sub-section (*2*) of section 554 of the said Act on the expiration of the said period of supersession;

Now, therefore, in exercise of the power conferred by clause (*i*) of sub-section (*2*) of section 554 of the said Act, the Governor is pleased to extend the period of supersession of the Commissioners of the said municipality up to the 31st May 1948.

2. In exercise of the power conferred by clause (*b*) of sub-section (*1*) of section 554 of the said Act, the Governor is further pleased to direct that the Subdivisional Officer of Kalimpong shall, during the extended period of supersession of the said municipality, continue to exercise and perform, in addition to his own duties, all the powers and duties conferred and imposed on him by notification No. L.S.-G. 1059/47/1M., dated the 18th July 1947.

By order of the Governor,
S. K. GUPTA.
Secy. to the Govt. of West Bengal

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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 7381L.—27th April, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information:—

West Bengal Act XV of 1948

THE WEST BENGAL DISTRICT BOARDS (AMENDMENT) ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 29th April 1948.]

An Act to amend the West Bengal District Boards Act, 1947.

WHEREAS the district of Navadwip has been re-named as the district of Nadia on and from the 26th day of February, 1948;

AND WHEREAS it is expedient to amend the West Bengal District Boards Act, 1947, in the manner hereinafter appearing; West Ben. Act. III of 1947.

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the West Bengal District Boards (Amendment) Act, 1948.

(*2*) It shall be deemed to have come into force on the 26th day of February, 1948.

Amendment of the second preamble to West Bengal Act III of 1947.

2. In the second preamble to the West Bengal District Boards Act, 1947 (hereinafter referred to as the said Act), for the word "Navadwip" the word "Nadia" shall be substituted. West Ben. Act III of 1947.

Amendment of section 4.

3. In sub-section (*1*) of section 4 of the said Act, for the word "Navadwip" the word "Nadia" shall be substituted.

Amendment of section 6.

4. In section 6 of the said Act, for the word "Navadwip" the word "Nadia" shall be substituted.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal.

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1421.—28th April, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information:—

West Bengal Act XVI of 1948

THE BENGAL JUTE REGULATION (WEST BENGAL AMENDMENT) ACT, 1948.

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 29th April, 1948.]

An Act further to amend the Bengal Jute Regulation Act, 1940.

WHEREAS it is expedient further to amend the Bengal Jute Regulation Act, 1940, for the purposes and in the manner hereinafter appearing; Ben. Act V of 1940.

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bengal Jute Regulation (West Bengal Amendment) Act, 1948.

Insertion of new section 10A.

2. After section 10 of the Bengal Jute Regulation Act, 1940 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

"Special provision for licences in any particular year.

10A. (*1*) Notwithstanding anything contained elsewhere in this Act, the Provincial Government may, in any year, by notification direct that every licence issued under sub-section (*1*) of section 10 in the immediately preceding year shall be deemed to be a licence issued under that sub-section for the growing of jute in the year specified in the notification.

(*2*) When a notification under sub-section (*1*) has been issued, in any year, by the Provincial Government, any grower of jute or his successor in interest, who was entitled to have a licence issued to him in the immediately preceding year under sub-section (*1*) of section 10, but who had not taken out such licence, shall be entitled to have a licence issued to him, as if the immediately preceding year had not expired and the licence so issued, shall, for the purpose of sub-section (*1*), be deemed to be a licence issued under sub-section (*1*) of section 10 in the immediately preceding year.

(*3*) For the avoidance of doubt it is hereby declared that it shall not be necessary for the Provincial Government to constitute an Advisory Board under section 8 or to consult any such Board under section 9 before issuing a notification under sub-section (*1*)."

Insertion of new sections 17A and 17B.

3. After section 17 of the said Act, the following sections shall be inserted, namely:—

"Growing of jute on land not used for growing jute within three previous years.

17A. (*1*) Notwithstanding anything contained elsewhere in this Act, the Provincial Government, may, by notification, direct that jute may be grown on any land not included in the final record prepared under section 5, if such land has not been used for growing any crop during the jute growing season within the previous three years.

(*2*) When jute is grown on any land in accordance with the provisions of sub-section (*1*), it shall not be necessary to obtain a licence under sub-section (*1*) of section 10.

Inclusion in the final record of land on which jute is grown under section 17A.

17B. Notwithstanding anything contained elsewhere in this Act, the Director of Land Records, shall, on application made to him in this behalf in the prescribed manner, include any land on which jute may have been grown under the provisions of sub-section (*1*) of section 17A, in the final record authenticated under section 5 and thereafter the provisions of this Act shall apply to such land as if such land had been included in the final record originally authenticated under section 5."

Amendment of section 23.

4. In clause (*q*) of sub-section (*2*) of section 23 of the said Act, after the word and figure "section 10" the words, figure and letter "or under section 17B" shall be added.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 29th April 1948.

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PART IIIA—Ordinances promulgated by the Governor of West Bengal under the Government of India Act, 1935.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

West Bengal Ordinance No. III of 1948.

THE 24-PARGANAS DISTRICT BOARD (DISSOLUTION) ORDINANCE, 1948.

WHEREAS the Governor of West Bengal is satisfied that it is urgently necessary in the public interest to confer powers to dissolve the District Board of the 24-Parganas and that immediate action should be taken for this purpose and whereas the West Bengal Legislature is not in session;

The Governor of West Bengal is pleased in exercise of the power conferred by sub-section (*1*) of section 88 of the Government of India Act, 1935, to make and promulgate the following Ordinance, namely:— 26 Geo. V, c. 2.

Short title and commencement.

1. (*1*) This Ordinance may be called the 24-Parganas District Board (Dissolution) Ordinance, 1948.

(*2*) It shall come into force at once.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

(*a*) "the Act" means the Bengal Local Self-Government Act of 1885; and Ben. Act III of 1885.

The 24-Parganas District Board (Dissolution) Ordinance, 1948.

(Sections 3—7.)

(*b*) "the District Board" means the District Board of the 24-Parganas.

Dissolution of the District Board.

3. The Provincial Government may, if it so thinks fit, by an order published in the *Official Gazette*, dissolve the District Board from such date as may be specified in the order.

Consequences of dissolution

4. Notwithstanding anything contained in the Act, all the members constituting the District Board and the Chairman and the Vice-Chairmen of the District Board shall, as from the date of dissolution, vacate their offices as such members, Chairman and Vice-Chairmen.

Constitution of the District Board.

5. Notwithstanding anything contained in the Act, the Provincial Government shall, by notification in the *Official Gazette*, constitute the District Board as from the date of dissolution in such manner and consisting of such number of members as it may determine in this behalf.

Term of office of members.

6. The Provincial Government shall, by notification in the *Official Gazette*, fix the term of office of members of the District Board constituted under section 5:

Provided that the term of office so fixed shall not exceed two years.

Reconstitution of the District Board in accordance with the provisions of the Bengal Local Self-Government Act of 1885.

7. (*1*) Before the expiry of the term of office of the members of the District Board constituted under section 5, there shall be a fresh general election of members of the District Board in conformity with the provisions of the Act and the rules framed thereunder and the persons who vacated their offices under section 4 shall not be deemed disqualified for such elections if they are otherwise qualified therefor.

(*2*) On the expiration of the term of office of the members of the District Board constituted under section 5, the District Board shall be reconstituted on the results of elections referred to in sub-section (*1*) in accordance with the provisions of the Act.

C. RAJAGOPALACHARI,
Governor of West Bengal.

The 30th April, 1948.

B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 3rd May 1948.

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PART I —Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, et

GOVERNMENT OF WEST BENGAL.

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

No. 548A.R.—5th May 1948.—In pursuance of sub-rule (5) of rule 9A of the West Bengal Legislative Assembly Electoral (Election Expenses and Election Petitions) Rules, 1947, the name of the person shown in the schedule below who, having been nominated as a candidate for the by-election to the West Bengal Legislative Assembly from the Calcutta South (Urban) Muhammadan Constituency, *vice* Mr. K. Nooruddin, resigned, and having acted as an election agent of himself has, in accordance with the decision given by the Governor under sub-rule (*4*) of the said rule, failed to lodge the return of election expenses within the time and in the manner required and has thereby incurred the disqualification for being chosen as, and for being a member of the West Bengal Legislative Assembly under clause (*f*) of sub-section (*1*) of section 69 of the Government of India Act, 1935, and also the disqualification for voting at any election under paragraph 5 of Part IV of the Government of India (Provincial Elections) (Corrupt Practices and Election Petitions) Order, 1936, is hereby published :—

The Schedule.

Janab Sk Md. Taufiq.

By order of the Governor,
M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal.

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

No. 5738D.C.S.—3rd May 1948.—In exercise of the powers conferred by sub-section (*1*) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clauses (*c*), (*d*), (*h*), (*i*) and (*j*) of sub-section (2) of that section and notification No. 394, dated New Delhi, the 10th April 1947, of the Government of India, in the Department of Industries and Supplies, the Governor is pleased to make the following amendments to the West Bengal Soft Coke Distribution Order, 1947, namely :-

Amendments.

For sub-paragraph (*3*) of paragraph 8 of the said order, *substitute* the following sub-paragraph :—

"(*3*) A large consumer shall not without permission in writing obtained from the Directorate or the District Magistrate, as the case may be, resell the soft coke purchased by him".

2. *After* paragraph 19 of the said order, *add* the following paragraph :—

"20. The Provincial Government may, by general or special order, exempt any person or class of persons from the operation of all or any of the provisions of this Order".

By order of the Governor,
A. D. KHAN,
Secy. to the Govt. of West Bengal

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

COVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

No. 652A.R.—6th May 1948.—The following notifications are published for general information:—

NOTIFICATION.

GOVERNMENT HOUSE,

CALCUTTA,

The 6th May 1948.

His Excellency the Governor has this day been pleased to accept the resignation tendered by—

(1) The Hon'ble Dr. Bidhan Chandra Roy,

(2) The Hon'ble Sri Nalini Ranjan Sarker,

(3) The Hon'ble Sri Rai Harendra Nath Chaudhuri,

(4) The Hon'ble Sri Bimal Chandra Sinha,

(5) The Hon'ble Sri Niharendu Dutt-Mazumdar,

(6) The Hon'ble Sri Mohini Mohan Barman,

(7) The Hon'ble Sri Kalipada Mukherjee,

(8) The Hon'ble Sri Hem Chandra Naskar,

(9) The Hon'ble Sri Bhupati Majumdar,

(10) The Hon'ble Sri Profulla Chandra Sen,

(11) The Hon'ble Sri Nikunja Behary Maity,

(12) The Hon'ble Sri Jadabendra Nath Panja, and

(13) The Hon'ble Sri Kiran Sankar Roy,

of their offices as Members of his Council of Ministers.

BY COMMAND,

S. K. MUKHARJI,

Secretary to the Governor.

NOTIFICATION.

GOVERNMENT HOUSE,
CALCUTTA,
The 6th May 1948.

His Excellency the Governor has been pleased to appoint—

(1) Dr. Bidhan Chandra Roy,
(2) Sri Nalini Ranjan Sarker,
(3) Sri Kiran Sankar Roy,
(4) Sri Rai Harendra Nath Chaudhuri,
(5) Sri Profulla Chandra Sen,
(6) Sri Jadabendra Nath Panja,
(7) Sri Bimal Chandra Sinha,
(8) Sri Nikunja Behary Maity,
(9) Sri Niharendu Dutt-Mazumdar, and
(10) Sri Kalipada Mukherjee,

to be Members of his Council of Ministers, and they have this day, in the afternoon, taken the Oaths of Office.

BY COMMAND,
S. K. MUKHARJI,
Secretary to the Governor.

NOTIFICATION.

GOVERNMENT HOUSE,
CALCUTTA,
The 6th May 1948.

His Excellency the Governor has been pleased to appoint -

(1) The Hon'ble Dr. Bidhan Chandra Roy to be Premier, Leader of the House and Minister-in-charge of the Departments of Home (General Administration, Transport and Development) and Health and Local Self-Government;

(2) The Hon'ble Sri Nalini Ranjan Sarker to be Minister-in-charge of the Departments of Finance and Commerce and Industries;

(3) The Hon'ble Sri Kiran Sankar Roy to be Minister-in-charge of Home (Police and Jails) Department;

(4) The Hon'ble Sri Rai Harendra Nath Chaudhuri to be Minister-in-charge of Education Department;

(5) The Hon'ble Sri Profulla Chandra Sen to be Minister-in-charge of Civil Supplies Department;

(6) The Hon'ble Sri Jadabendra Nath Panja to be Minister-in-charge of the Departments of Agriculture and Veterinary and Forests and Fisheries;

(7) The Hon'ble Sri Bimal Chandra Sinha to be Minister-in-charge of the Departments of Works and Buildings, Irrigation and Waterways and Land and Land Revenue,

(8) The Hon'ble Sri Nikunja Behary Maity to be Minister-in-charge of the Department of Co-operation, Credit, Relief and Rehabilitation;

(9) The Hon'ble Sri Niharendu Dutt-Mazumdar to be Minister-in-charge of Judicial and Legislative Departments; and

(10) The Hon'ble Sri Kalipada Mukherjee to be Minister-in-charge of Labour Department.

BY COMMAND,
S. K. MUKHARJI
Secretary to the Governor

By order of the Governor,
M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal,
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Saturday, May 8, 1948

Part I- Orders and Notifications by the Gov
High Court, Government Treasury etc.

Government of West Bengal.

Home Department
General Administration
Notification.

No.1342G.A.- 8th May 1948 - In exercise of the power conferred by s section(2) of section 7 of the Code of Criminal Procedure, 1898 (Ac V of 1898), the Governor has been pleased to declare that on and fr the 17th August 1947 the limits of the West Dinajpur district shall be deemed to have included and shall include in addition to the pol stations mentioned in notification No.548G.A., dated the 23rd Feby. 1948, the local areas of the Hili police-station as declared in notification No.1150Pl., dated the 8th May 1948.

By order of the Governor,
S.Sen,
Chief Secy. to the Govt. of West Bengal.

Police
Notification

No.1150Pl.- 8th May 1948.- In exercise of the power conferred by clause (S) of sub-section (1) of section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898), and in supersession of all previou notifications relating to the area, included within the Hili police-station in the district of West Dinajpur, the Governor is pleased t declare that the said police-station shall include the villages spe fied in the following schedule, namely :-

Schedule.

Names of villages	Jurisdiction list number of Balugghar police-station
1. Bhimpur	277
2. Iswarpara	278
3. Chak Balaram	281
4. Purbba Krishnapur	282
5. Kamarghat	283
6. Jagadishpur	284
7. Brahmakhanda	285
8. Rupbati	286
9. Kunja Dungi	287
10. Jot Ghatak	288
11. Tior	289
12. Jot Tior	290
13. Binsira	293
14. Jantigari	320
15. Salash	321
16. Makhatair	322
17. Purbba Mustafapur	323
18. Ponorahar	324
19. Matais	325
20. Syampur	326
21. Ismailpur	327
22. Sahapur	328
23. Chak Subid	329
24. Bad Dungi	330
25. Feruska	331
26. Sarenbari	332
27. Muraripur	333
28. Basanta	334
29. Chak Mohan	335
30. Chapahat	336
31. Debra	337
32. Srirampur	338
33. Uttar Jamalpur	339
34. Lalpur	340
35. Chak Bamat	341

36.	Purbba Thakurpur	342
37.	Kismat Dapat	343
38.	Mahishnota	344
39.	Mulahat	345
40.	Jantipur	346
41.	Purbba Jagannathpur	347
42.	Dhalpara	348
43.	Purbba Kalikapur	349
44.	Purbba Gobindapur	351
44.	Srikrishnapur	350
45.	Purbba Gobindppur	351
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68.	Laskarpur	377
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70.	Garna	379
71.	Bahadurpur	380
72.	Ramjibanpur	381
73.	Habibpur	382
74.	Gayespur	383
75.	Chak Maniko	384
76.	Maniko	385
77.	Jamalpur	386
78.	Purbba Mathurapur	387
79.	Naldanga	388
80.	Lakma	389
81.	Fazullapur	391
82.	Nawapara	267

2. This notification shall be deemed to have effect and to have always had effect as if it had been issued on the 17th August 1947.

By order of the Governor
D.M.Gupta,
Dy.Secy. to the Govt. of West Bengal.

Department of Civil Supplies.
Notification.

No.6646D.C.S.-30th April 1948.- In exercise of the power conferred by sub-paragraph (1) of paragraph 5 of the Bengal Essential Foodstuffs Anti-Hoarding Order, 1944, and in supersession of notification No.1729D.C.S., dated the 4th March 1944, published in the Calcutta Gazette Extraordinary of the 6th March 1944, as subsequently amended, the Governor is pleased to direct

that the permit issued under paragraph 3 and the license under paragraph 4 of the said Order shall be in Form A and Form B, respectively, specified below : -

Form A.

(Permit to import under paragraph 3 of the Bengal Essential Foodstuffs Anti-Hoarding Order, 1944).

Subject to the provisions of the Bengal Essential Foodstuffs Anti-Hoarding Order, 1944, and the conditions of this permit..... ..... is hereby permitted to move the undermentioned quantities of essential foodstuffs from..... to.....

Description of commodity	Mds.	Srs
Rice		
Paddy		

1. This permit shall be valid only up to ..... and shall cover only rice/paddy produced by the permit-holder or members of his family with or without the help of paid labourers or by his adhiars, bargadars or bhagdars.
2. This permit does not authorise the permit-holder to bring any rice/paddy which was not produced by the permit-holder or members of his family with or without the help of paid labourers or by his adhiars, bargadars or bhagdars.
3. The permit-holder shall, at the time of taking delivery of the permit, present his Ration Card (and the Ration Cards of the members of his household, if required) to the officer issuing the permit for necessary endorsements.
4. On arrival of the consignment covered by this permit, the permit-holder shall, as soon as he obtains delivery of the consignment, surrender the permit to the officer issuing it and if the quantity of any essential foodstuffs in his possession exceeds the normal quantity specified in Schedule II to the said Order, take eur a license under paragraph 4 of the said Order.

.....

Signature of the Officer issuing the permi

Date..... 194 ....

Form B.

(License under paragraph 4 of the Bengal Essential Foodstuffs Anti-Hoarding Order, 1944, for the possession of Essential Foodstuff.)

Subject to the provisions of the Bengal Essential Foodstuffs Anti-Hoarding Order, 1944, and the condition of this license..... ..... is authorised to have under his control or in his possession at ..... the undermentioned quantities of essential foodstuffs for the use of himself and..... member of his household -

Name of commodity	Mds.	Sr.

This license is subject to the condition that the Ration Cards issued to the licensee and the aforesaid members of his household under the Bengal Rationing Order, 1943, or any regulations made thereunder shall not be used and shall not be available for lawful use to the extent of the amount of such foodstuff so held in his possession.

.....

Signature of the Officer issuing the license.

Date..... 194.....

By order of the Governor,
E.G.Creek,
Dy.Secy. to the Govt. of West Bengal.

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SATURDAY, MAY 8, 1948.

LIBRARY OF THE BENGAL LEGISLATURE CALCUTTA.

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

General Administration.

NOTIFICATION.

No. 1342G.A.—8th May 1948.—In exercise of the power conferred by sub-section (2) of section 7 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Governor has been pleased to declare that on and from the 17th August 1947 the limits of the West Dinajpur district shall be deemed to have included and shall include in addition to the police-stations mentioned in notification No. 548G.A., dated the 23rd February 1948, the local areas of the Hili police-station as declared in notification No. 1150Pl., dated the 8th May 1948.

By order of the Governor,

S. SEN,

Chief Secy. to the Govt. of West Bengal.

Police.

NOTIFICATION.

No. 1150Pl.—8th May 1948.—In exercise of the power conferred by clause (8) of sub-section (1) of section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898), and in supersession of all previous notifications relating to the area, included within the Hili police-station in the district of West Dinajpur, the Governor is pleased to declare that the said police-station shall include the villages specified in the following schedule, namely:—

Schedule.

	Names of villages.		Jurisdiction list number of Balurghat police-station.
1	Bhimpur	...	277
2	Iswarpara	...	278
3	Chak Balaram	...	281
4	Purbba Krishnapur	...	282
5	Kamarghat	...	283
6	Jagadishpur	...	284
7	Brahmakhanda	...	285
8	Rupbati	...	286
9	Kunja Dungi	...	287
10	Jot Ghatak	...	288
11	Tior	...	289
12	Jot Tior	...	290
13	Binsira	...	293
14	Jantigari	...	320
15	Salash	...	321
16	Makhatair	...	322
17	Purbba Mustafapur	...	323
18	Ponorahar	...	324
19	Matais	...	325
20	Syampur	...	326
21	Ismailpur	...	327
22	Sahapur	...	328
23	Chak Subid	...	329
24	Bad Dungi	...	330
25	Ferusha	...	331
26	Sarenbari	...	332
27	Muraripur	...	333
28	Basanta	...	334
29	Chak Mohan	...	335
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2. This notification shall be deemed to have effect and to have always had effect as if it had been issued on the 17th August 1947.

By order of the Governor,

D. M. GUPTA,

Dy. Secy. to the Govt. of West Bengal.

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION.

No. 5646D.C.S.—30th April 1948.—In exercise of the power conferred by sub-paragraph (*1*) of paragraph 5 of the Bengal Essential Foodstuffs Anti-Hoarding Order, 1944, and in supersession of notification No. 1729D.C.S., dated the 4th March 1944, published in the *Calcutta Gazette Extraordinary* of the 6th March 1944, as subsequently amended, the Governor is pleased to direct that the permit issued under paragraph 3 and the license issued under paragraph 4 of the said Order shall be in Form A and Form B, respectively, specified below:—

FORM A.

(Permit to import under paragraph 3 of the Bengal Essential Foodstuffs Anti-Hoarding Order, 1944.)

Subject to the provisions of the Bengal Essential Foodstuffs Anti-Hoarding Order, 1944, and the conditions of this permit..... is hereby permitted to move the undermentioned quantities of essential foodstuffs from .....to.....

Description of commodity.	Mds.	Srs.
Rice		
Paddy		

1. This permit shall be valid only up to ..... and shall cover only rice/paddy produced by the permit-holder or members of his family with or without the help of paid labourers or by his *adhiars*, *bargadars* or *bhagdars*.

2. This permit does not authorise the permit-holder to bring any rice/paddy which was produced by the permit-holder or members of family with or without the help of paid labour or by his *adhiars*, *bargadars* or *bhagdars*.

3. The permit-holder shall, at the time taking delivery of the permit, present his Ration Card (and the Ration Cards of the members his household, if required) to the officer issu the permit for necessary endorsements.

4. On arrival of the consignment covered this permit, the permit-holder shall, as soon he obtains delivery of the consignment, surren the permit to the officer issuing it and if quantity of any essential foodstuffs in his pos sion exceeds the normal quantity specified Schedule II to the said Order, take out a lice under paragraph 4 of the said Order.

.....

Signature of the Officer issuing the perm

Date.....194....

FORM B.

(License under paragraph 4 of the Bengal Essent Foodstuffs Anti-Hoarding Order, 1944, t the possession of Essential Foodstuff.)

Subject to the provisions of the Bengal Essent Foodstuffs Anti-Hoarding Order, 1944, and t condition of this license..... authorised to have under his control or in possession at.....the undermentio ed quantities of essential foodstuffs for the use himself and..... members his household—

Name of commodity.	Mds.	Srs.

This license is subject to the condition that t Ration Cards issued to the licensee and the ab said members of his household under the Beng Rationing Order, 1943, or any regulations ma thereunder shall not be used and shall not available for lawful use to the extent of the amou of such foodstuff so held in his possession.

.....

Signature of the Officer issuing the licen

Date.....194....

By order of the Governo

E. G. CREEK,

Dy. Secy. to the Govt. of West Beng

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 8th May 1948.

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The Calcutta Gazette

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MONDAY, MAY 10, 1948

LIBRARY OF THE BENGAL LEGISLATURE

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

NOTIFICATIONS.

No. L.S-G.1B-27/48(1).—10th May 1948.—In exercise of the power conferred by section 3 of the 24-Parganas District Board (Dissolution) Ordinance, 1948 (West Bengal Ordinance No. III of 1948), the Governor is pleased to dissolve the District Board of the 24-Parganas on and from the 10th day of May 1948.

No. L.S.-G.1B-27/48(2).—10th May 1948.—In exercise of the power conferred by sections 5 and 6 of the 24-Parganas District Board (Dissolution) Ordinance, 1948 (West Bengal Ordinance No. III of 1948), the Governor is pleased to constitute the District Board of the 24-Parganas as from the date of dissolution of the said District Board under notification No. L.S.-G.1B-27/48(1), dated the 10th May 1948, in the following manner:—

"(1) The said District Board shall consist of 29 members;

(2) the following gentlemen are appointed to be members of the said District Board:—

(1) Janab Hatem Ali Biswas—Titagarh—Barrackpore.

(2) Sri Pran Krishna Banerjee—Jagatdal—Barrackpore.

(3) Sri Pratulla Banerjee—Sarupnagar—Basirhat.

(4) Janab Md. Ishaq—Polta—Basirhat.

(5) Sri Sachindra N. Das—Baduria—Basirhat.

(6) Sri Satchidananda Mukherji—Mohestala—Sadar.

(7) Sri Jatindra Nath Ghose—Hasnabad—Basirhat.

(8) Sri Abinas Chandra Mazumdar—Basubati.

(9) Sri Sarat Chandra Sawoo—Dhankuria.

(10) Sri Rakhal Maharaj—Sagore—Diamond Harbour.

(11) Sri Khagendra Nath Das—Falta—Diamond Harbour.

(12) Sri Manmatha Nath Banerji—Sonarpur—Sadar.

(13) Dr. Amulyadhon Mukherji—Baraset—Baraset.

(14) Janab Abdul Majid—Habra—Baraset.

(15) Janab Syed Nazra Muslim—Deganga—Baraset.

(16) Sri Rabi Ghosh—Jaynagore—Sadar.

(17) Dr. Dhruba Haldar—Sonarpore—Sadar.

(18) Sri Hriday Bhusan Chakraborty—Bhangor—Sadar.

(19) Janab Abdus Sukkur—Baruipore—Sadar.

(20) Sri Purnendu Sekhar Basu—Baruipore—Sadar.

(21) Janab Golam Mahiuddin—Diamond Harbour.

(22) Dr. Tarendra Nath Dhara—Kulpi—Diamond Harbour.

(23) Sri Promode Charan Naskar—Kulpi—Diamond Harbour.

(24) Sri Bejoy Kumar Banerjee—Bongaon—Bongaon.

(25) Janab Kaji Abdul Wafi—Bongaon.

(26) Sri Lakhi Kanta Pramanick—Rajarhat—Baraset.

(27) Janab Desherally Molla—Canning.

(28) Sri Satyendra N. Mookerjee—Mathurapore—Diamond Harbour.

(29) Sri Bidyadas Dutt—Jaynagar—Sadar

(3) The said members shall hold office for a term of one year.

2. The members of the District Board shall elect one of their number to be the Chairman to preside over the District Board and another to be the Vice-Chairman. The rules for the election of Chairman and Vice-Chairman published with the department notification, dated the 11th February 1886, as subsequently amended, shall apply *mutatis mutandis* to the election of the Chairman and Vice-Chairman of the said Board.

3. If the said District Board fail to elect a Chairman or Vice-Chairman under paragraph 2, the Provincial Government shall appoint a Chairman or Vice-Chairman as the case may be.

4. Pending election or appointment of a Chairman of the said District Board, under paragraphs 2 and 3, the Governor is pleased to appoint Sri Prafulla Banerjee to be the Chairman of the said District Board to carry on the day to day administration of the District Board.

By order of the Governor,

S. K. GUPTA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 10th May 1948.

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RT I—Orders and Notifications by the Governor of st Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL.

EPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

NOTIFICATION.

No. L.S.-G. 1B.-27/48.—12th May 1948.—In ...ise of the power conferred by sections 5 and ... the 24-Parganas District Board (Dissolution) ...nance, 1948 (West Bengal Ordinance No. III ... 1948), and in partial modification of this ...rtment notification No. L.S.-G. 1B.-27/48- dated the 10th May 1948, the Governor is ...sed to direct that the District Board of the 24- ...ganas shall consist of thirty members instead ...enty-nine members and is pleased to appoint ...Harendra Nath Mazumdar of 7, Ram Mohan

Roy Road, Calcutta, also to be a member of t
said District Board. He shall hold office for
term terminating on the date on which the ter
of office of the other members of the said Distri
Board appointed by notification No. L.S.-G. IB
27/48(2), dated the 10th May 1948, will terminate

By order of the Governor,

S. K. GUPTA,

Secy. to the Govt. of West Bengal

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Bengal, at West Bengal Govt. Press, Alipore, on the 12th May 194

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LIBRARY OF THE BENGAL CALCUTTA.

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

NOTIFICATIONS.

No. L.S.-G. 1M/46/48(I).—12th May 1948. It is hereby notified under section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), as modified in its application in the district of Darjeeling that the following gentlemen have been duly elected as Commissioners of the Kalimpong Municipality in the district of Darjeeling at the general election held on the 8th March 1948:—

Ward No. I.

Sri M. K. Pradhan.

Ward No. II.

Sri Indradeo Sinha.
Sri Harkabahadur Lama.

Ward No. III.

Dr. Narendranath Boral.

Ward No. IV.

Sri Suresh Chandra Jain.

Ward No. V.

Sri Gaurishanker Prosad.

Ward No. VI.

Sri Narnarayan Mintri.
Sri Rameswar (*alias* Rameswar Agrawals).

Ward No. VII.

Sri Alfred Pradhan.

Ward No. VIII.

Sri N. B. Gurung.

Ward No. IX.

Sri P. R. Pradhan.

Ward No. X.

Smt. Azem Rebecca (*alias* Mrs. D. Mohan).
Sri Onkarmal Mintri.
Smt. P. Dikshit.

2. It is hereby also notified under section 50 of the said Act that, under section 16, read with clause (*a*) of sub-section (2) of section 554 of the said Act, the Governor is pleased to appoint the following gentlemen to be Commissioners of the said municipality:—

The Subdivisional Officer, Kalimpong (*ex-officio*).

The Assistant Engineer, Works and Buildings Department, Kalimpong.

The Superintendent, Waterworks, Public Health Department, Kalimpong.

Sri G. Tharchin.

No. L.S.-G. 1M/46/48(II).—12th May 1948.—In exercise of the power conferred by sub-section (*1*) of section 45 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), as applied to the district of Darjeeling, the Governor is pleased to appoint the Subdivisional Magistrate of Kalimpong to be the Chairman of the Commissioners of the Kalimpong Municipality in the district of Darjeeling for a period of four years with effect from the 1st June 1948.

By order of the Governor,

S. K. GUPTA,

Secy. to the Govt. of West Bengal.

Public Health.

NOTIFICATION

No. P.H. 2R-6/48.—11th May 1948.— Whereas the Provincial Government is satisfied that the town of Calcutta is visited by an outbreak of cholera, being a dangerous epidemic disease;

And whereas the Provincial Government is satisfied that the ordinary provisions of law for the time being in force are insufficient for the purpose of preventing the spread of this disease;

Now, therefore, in exercise of the powers conferred by sub-section (*1*) of section 2 of the Epidemic Diseases Act, 1897, the Governor is pleased to prescribe for a further period of three months from 2nd May 1948 the following temporary regulations

and in such regulations to empower certain persons to take such measures as are specified therein, namely :—

REGULATIONS.

1. (1) These regulations shall apply to Calcutta as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923.

(2) They shall come into force at once.

Definitions.

2. In these regulations unless there is anything repugnant in the subject or context—

(a) "District Health Officer" means the Health Officer of a district within the city of Calcutta, appointed by the Calcutta Corporation;

(b) "Corporation" means Calcutta Corporation constituted under the Calcutta Municipal Act, 1923;

(c) "Cholera or suspected cholera" includes any disease accompanied by vomiting and diarrhœa;

(d) "Patient" means a person suffering from or suspected to be suffering from cholera;

(e) "Medical practitioner" means any person practising the medical profession.

Notices.

3. If, in any case, the Deputy Director of Health Services (Public Health), or the Health Officer, Calcutta Corporation, or any person authorised in writing by either of these officers, considers that the issue of a notice under these regulations is likely to lead to such an amount of delay as might facilitate the spread of cholera, he may forthwith take such steps as he may think fit for carrying out the work; and shall thereafter, as soon as possible, issue a notice on the person concerned stating the reasons why such work has been carried out.

4. If any measure which the Deputy Director of Health Services (Public Health), or the Health Officer, Calcutta Corporation, or any person authorised in writing by either of these officers, has, by a notice issued under these regulations, required to be carried out, be not carried out to his satisfaction within the time stated in the notice the Deputy Director of Health Services (Public Health), or the Health Officer, Calcutta Corporation, or such person shall be entitled to carry out the measures himself.

Location of disease.

5. When a case of cholera or suspected cholera occurs in a house, the nearest male relative in attendance upon the patient or in the absence of any such relative the occupier of the house, or if the occupier be the patient the senior male inmate of the house other than the patient, shall, within twenty-four hours of the onset of the disease, give information regarding the occurrence of such case either personally or in writing to the nearest District Health Officer.

6. (1) Every medical practitioner called in to attend upon any case of cholera shall within twelve hours give notice of the case by a special messenger to the nearest District Health Officer.

(2) The Doctor-in-charge of a hospital or a dispensary within the district shall within twelve hours give notice of any case of cholera brought to such hospital or dispensary for treatment to the nearest District Health Officer.

7. The Deputy Director of Health Serv (Public Health), or the Health Officer, Calc Corporation, or any person authorised in wri by either of these officers, may examine any pe who is, or is suspected to be, suffering from cho or who, in his opinion, may be infected with likely to spread cholera.

Isolation of patients.

8. When the Deputy Director of Health Serv (Public Health), or the Health Officer, Calc Corporation, or any person authorised in wri by either of these officers, considers that isolation of any patient is a precaution neces for the protection of the neighbouring popula he shall order the patient to observe isolation may order the nearest relative in attendance on patient, or the occupier of the house in which patient is staying, to arrange for the isolation the patient in such a manner and for such a as may be approved by the Deputy Director Health Services (Public Health), or the He Officer, Calcutta Corporation, or any per authorised in writing by either of these officers

9. No person shall enter any place where patient is isolated under regulation 8 without permission of the Deputy Director of He Services (Public Health), or the Health Offi Calcutta Corporation, or any person authorised writing by either of these officers.

10. The Deputy Director of Health Serv (Public Health), or the Health Officer, Calc Corporation, or any person authorised in writ by either of these officers, may require to carried out, by such agency and within such t as may be specified in the order, such measures the disinfection or evacuation of any premises the occupation of a patient or for the disinfect or destruction of any of his personal effects, as Deputy Director of Health Services (Public Heal or the Health Officer, Calcutta Corporation, or person so authorised may consider necessary

11. The Deputy Director of Health Serv (Public Health), or the Health Officer, Calc Corporation, or any person authorised in writ by either of these officers, may forbid any per who has been a patient, or who has to his kn ledge been in contact with a patient, to act vendor of any article of food or drink for s period as may be specified in the order.

12. No person shall sell any article which been in contact with a patient until it has b disinfected to the satisfaction of the Dep Director of Health Services (Public Health) the Health Officer, Calcutta Corporation, or person authorised by either of these officers.

Water supply.

13. When the Deputy Director of Hea Services (Public Health), or the Health Offic Calcutta Corporation, or any person authorised either of these officers, is of opinion that the wa of any well, tank, pool or other source of dome water supply is contaminated or is likely to contaminated, he may at once take such steps he deems necessary to close and keep closed s tank, well or pool or may require the owner occupier of the land upon which such well, ta pool or source of water supply is situated to t steps to close the same to the satisfaction of Deputy Director of Health Services (Public Healt or the Health Officer, Calcutta Corporation, or person so authorised, within such time as may specified in the order.

14. When the Deputy Director of Hea Services (Public Health), or the Health Offic Calcutta Corporation, or any person authorised

riting by either of these officers, is of opinion hat the water in any well, tank, pool or source of omestic water supply is contaminated, he may lisinfect it or direct its owner or occupier to isinfect it with such disinfectants as he may specify n such quantities and at such time as he may hink fit.

15. The Deputy Director of Health Services Public Health), or the Health Officer, Calcutta 'orporation, or any person authorised in writing y either of these officers, may prohibit persons rom easing themselves or throwing rubbish, sewage r offensive matter into any well, tank, pool or ther source of water supply which is used by the ublic or within such distances from such well, ank or source of water supply as he may fix in his behalf.

Miscellaneous.

16. Whenever the Deputy Director of Health Services (Public Health), or the Health Officer, Calcutta Corporation, or any person authorised in writing by either of such officers, is satisfied that the condition of any privy, urinal, drain or sewer or cess-pool is such as to endanger the risk of the spread of cholera to the inhabitants of the neighbourhood, he may order the occupier of the land in which such privy, urinal or cess-pool is situated to disinfect it or to allow any officer of the Corporation to disinfect it with such disinfectants in such quantity and at such times as such officer may think fit.

16A Every owner of a premises in which a privy is situated shall, if the arrangements for flushing such privy are not in good order, effect necessary repairs thereto and put such arrangements in order by the 20th of February 1948 and thereafter every such owner shall maintain all arrangements for flushing each privy situated in such premises in proper working order.

17. The Deputy Director of Health Services (Public Health), or the Health Officer, Calcutta Corporation, or any person authorised in writing by either of these officers, may, during this outbreak of cholera, order that any market, shop or other public place shall remain closed for such time as may appear to him to be necessary and may forbid the holding of any gathering within the Corporation area.

18. The Deputy Director of Health Services (Public Health), or the Health Officer, Calcutta Corporation, or any one authorised in writing by either of these officers, may prohibit persons from retaining or selling clothes taken from the bodies of persons who have died of cholera and may cause all such clothing to be destroyed.

19. Any person burning or causing to be burnt any corpse shall cause the same to be completely reduced to ashes and shall likewise cause the clothings, bedding or other articles brought with such corpse to be burnt and reduced to ashes.

20. The Deputy Director of Health Services (Public Health), or the Health Officer, Calcutta Corporation, or any person authorised in writing by either of these officers, may require any person who appears to possess any information relevant to the occurrence of any case of cholera or suspected cholera, to attend before him at a time to be stated in the order and such person shall appear as so required,

21. The Deputy Director of Health Services (Public Health), or the Health Officer, Calcutta Corporation, or any person authorised in writing by either of these officers, may enter upon any land or after two hours' notice in writing into any premises or building used for human habitation at any time between sunrise and sunset for the purpose of carrying out any measure or making any enquiries authorised by these regulations.

22. The crew of any inland steam vessel or boat which plies in any canal or river within the area to which these regulations apply, and any other persons residing on such boats, shall be subject to these regulations.

23. All inoculations given under these regulations shall be given gratuitously.

24. No person shall sell, or offer for sale or expose, keep, store or hawk about any milk, breadstuffs, cake, pastry, sweetmeats confectionery, ice-cream, cut or sliced fruit or any other article of food or drink commonly used for human consumption without further preparation by boiling or cooking, unless such article is being kept properly covered in a closed container of glass, wood or

metal, to the satisfaction of any person inspecting such articles under regulation 26, so as to protect it from the risk or infection by dust, dirt or flies.

25. Any person inspecting articles of food or drink under regulation 26 may destroy on the spot, or remove and destroy subsequently, any food or drink which is exposed to the risk of infection by dust, dirt or flies in contravention of the provisions of regulation 24 and no compensation in respect of the destruction of such food or drink shall be payable to the owner thereof who shall also be liable to the penalties provided in the Epidemic Diseases Act, 1897, for a breach of these regulations.

26. For the purpose of ensuring that the provisions of regulations 24 and 25 are being complied with, the Deputy Director of Health Services (Public Health), the Health Officer of the Calcutta Corporation, or any person authorised in writing in this behalf by either of these officers, may inspect any articles of food or drink being sold, exposed, offered for sale, stored or kept in any public place, or any market, shop or stall and may for this purpose enter any premises between sunrise and sunset.

27. No person other than an employee of the Corporation or a person or class of persons authorised in this behalf by the Corporation shall touch, remove or otherwise deal with—

(*a*) the contents of any dustbin or othe receptacle provided in any street or publi place for the deposit of rubbish or offensiv matter, or

(*b*) any rubbish or offensive matter lyin deposited in lump in any street o public place.

Explanation.—In this regulation, the expression "offensive matter", "rubbish" and "street" hav the same meanings as in the Calcutta Municipa Act, 1923.

28. No person in charge of an hotel restaurant, café, lodging house or other place o public resort in which any article of food or drin is supplied for consumption on the premises shal serve or cause or permit to be served therein an article of food or drink in which ice has been place or serve or cause or permit to be served any ic to any person for consumption on the premises, an no vendor of aerated water, *sharbat*, beverage o other article of drink shall sell to any person an article of drink in which ice has been placed o sell ice to any person to whom any such article o drink is sold.

By order of the Governor,

A. C. CHATTERJI, Secy

Calcutta, the 11th May 1948.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 13th May 1948.

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The Calcutta Gazette

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SATURDAY, MAY 15, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

No. 596A.R.—15th May 1948.—The following notifications are published for general information :—

Notification.

GOVERNMENT HOUSE,
DARJEELING,
The 11th May 1948.

His Excellency the Governor has been pleased to appoint Sri Bhupati Majumdar to be a member of his Council of Ministers. Sri Bhupati Majumdar has this day in the afternoon taken the oaths of office.

BY COMMAND,
S. K. MUKHARJI,
Secretary to the Governor of West Bengal

Notification.

GOVERNMENT HOUSE,
DARJEELING,
The 11th May 1948.

HIS EXCELLENCY the Governor has been pleased to make the following modifications in the appointments of Hon'ble Ministers to be in charge of departments:—

(1) The Hon'ble Sri Bimal Chandra Sinha to be Minister in charge of the Department of Works and Buildings and Land and Land Revenue.

(2) The Hon'ble Sri Bhupati Majumdar to be Minister in charge of the Department of Irrigation and Waterways.

BY COMMAND,
S. K. MUKHARJI,
Secretary to the Governor of West Bengal

By order of the Governor,
M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Printing, Bengal, at West Bengal Govt. Press, Alipore, on the 15th May

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The Calcutta Gazette

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TUESDAY, MAY 18, 1948

ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

No 605A.R.—17th May 1948.—The following otification by the Secretary to the Governor of Vest Bengal is hereby published for general formation :—

"Notification No. 2910S., dated the 15th May 948.—In His Majesty's name, His Excellency ie Governor-General has assented to the Bengal ledical (West Bengal Amendment) Bill, 1948.

S. K. MUKHARJI,
Secretary to the Governor".

By order of the Governor,
M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal.

d and published by the Superintendent, Govt. Ptg., West Bengal, t West Bengal Govt. Press, Alipore, on the 18th May 1948.

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TUESDAY, MAY 18, 1948.

LIBRARY OF THE BENGAL LEGISLATURE CALCUTTA

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 918L.—17th May, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor General, is hereby published for general information:—

West Bengal Act XVIII of 1948

THE BENGAL MEDICAL (WEST BENGAL AMENDMENT) ACT, 1948.

[*Passed by the West Bengal Legislature.*]

[**Assent** of the Governor General was first published in the *Calcutta Gazette, Extraordinary*, of the 18th May, 1948.]

An Act further to amend the Bengal Medical Act, 1914.

WHEREAS it is expedient further to amend the Bengal Medical Act, 1914, for the purposes and in the manner hereinafter appearing; **Ben. Act VI of 1914.**

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bengal Medical (West Bengal Amendment) Act, 1948.

The Bengal Medical (West Bengal Amendment) Act, 1948.

(Section 2.)

(*2*) It shall come into force at once:

Provided as follows:—

(*a*) that the term of office of the members constituting the Council at the commencement of this Act, shall continue, as if this Act had not been passed, until a date to be appointed in this behalf by the Provincial Government by notification in the *Official Gazette*;

(*b*) that the term of office of members nominated after the commencement of this Act to fill casual vacancies in that Council shall also continue until the said date.

Amendment of section 4 of Bengal Act VI of 1914.

2. In section 4 of the Bengal Medical Act, 1914,— Ben. Act VI of 1914.

(*a*) in clause (*d*) the words "or the Dacca University" shall be omitted;

(*b*) in clause (*f*) after the words "medical institution" the words "in West Bengal" shall be inserted;

(*c*) in clause (*g*),

(*i*) for the words "are qualified to be registered under the Medical Acts" the words and figures "have any of the medical qualifications included in the Second Schedule to the Indian Medical Council Act, 1933" shall be substituted, and XXIV of 1933.

(*ii*) after the words "medical institution" the words "in West Bengal" shall be inserted; and

(*d*) in clause (*h*) after the words "medical institution" the words "in West Bengal" shall be inserted.

By order of the Governor,

B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 18th May 1948

The



Calcutta Gazette.

Extraordinary

Published by Authority

TUESDAY, MAY 25, 1948

ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

NOTIFICATION.

No. 396Pr.—25th May 1948.—In exercise of the wer conferred by section 19 of the Indian Press mergency Powers) Act, 1931 (XXIII of 1931), e Governor is pleased to declare all copies, erever found, of the booklet in Urdu entitled ami-e-Pakistan" (Establishment of Pakistan) Hafiz Mohammad Yunus Balliavi printed at the ltani Press, Howrah, and all other documents taining copies, reprints or translations of, or tracts from the said booklet to be forfeited to His jesty, on the ground that the said booklet con- ns matter of the nature described in clause of sub-section (*1*) of section 4 of the said Act.

By order of the Governor,

P. C. ACHARJI,

Dy. Secy. to the Govt. of West Bengal.

d and published by the Superintendent, Govt. Ptg., West Bengal, West Bengal Govt. Press, Alipore, on the 25th May 1948

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TUESDAY, MAY 25, 1948.

PART IIIA—Ordinances promulgated by the Governor of West Bengal under the Government of India Act, 1935.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

West Bengal Ordinance No. IV of 1948

THE CALCUTTA IMPROVEMENT (AMENDMENT) ORDINANCE, 1948.

WHEREAS the person at present holding the office of Chairman of the Board of Trustees for the Improvement of Calcutta, appointed under the Calcutta Improvement Act, 1911, has been appointed by the Provincial Government as Administrative Officer of the Corporation of Calcutta under the Corporation of Calcutta (Temporary Supersession) Act, 1948; Ben. Act V of 1911. West Ben. Act VIII of 1948.

AND WHEREAS the Corporation of Calcutta has been superseded under the Corporation of Calcutta (Temporary Supersession) Act, 1948, and in consequence certain Trustees elected from among the members of the Corporation have ceased to be members of the Board of Trustees for the Improvement of Calcutta under the Calcutta Improvement Act, 1911;

AND WHEREAS the Governor of West Bengal is satisfied that it is urgently necessary in the public interest to amend the Calcutta Improvement Act, 1911, for the purposes and in the manner hereinafter appearing;

AND WHEREAS the West Bengal Legislature is not in session;

The Governor of West Bengal is pleased, in exercise of the powers conferred by sub-section (*1*) of section 88 of the Government of India Act, 1935, to make and promulgate the following Ordinance, namely:— 26 Geo. V, C. 2.

Short title and commencement.

1. (*1*) This Ordinance may be called the Calcutta Improvement (Amendment) Ordinance, 1948.

(*2*) It shall come into force at once, but sub-sections (*2*) and (*3*) of section 2 shall be deemed to have taken effect on the 24th day of March, 1948.

Temporary amendment of Bengal Act V of 1911.

2. While this Ordinance is in force the Calcutta Improvement Act, 1911, shall have effect as if—

(*1*) after section 4 the following section had been inserted, namely:—

Appointment of Trustees while the Corporation is superseded.

"4A. (*1*) Notwithstanding anything contained in section 4, sub-section (*1*) of section 7, section 8, section 15, section 16 and section 17, the three other members of the Corporation referred to in clause (*c*) of section 4 who were elected or appointed as Trustees

The Calcutta Improvement (Amendment) Ordinance, 1948.

(*Section 2.*)

but who have ceased to be members of the Corporation on supersession of the Corporation under section 3 of the Corporation of Calcutta (Temporary Supersession) Act, 1948, shall vacate their offices as such Trustees on the commencement of this Ordinance; and the Provincial Government shall, within one month from the commencement of this Ordinance, appoint three persons as Trustees in place of the three other members of the Corporation referred to in clause (*c*) of section 4 and the persons so appointed shall hold office from the date of their appointment till the date of expiry of supersession of the Corporation under section 3 of the Corporation of Calcutta (Temporary Supersession) Act, 1948. West Ben. Act VIII of 1948.

(*2*) If any vacancy occurs in the office of a Trustee appointed under sub-section (*1*), the vacancy shall be filled by the Provincial Government by appointment of another person within one month and the person so appointed shall hold office for the residue of the term of office of the Trustee in whose stead he is appointed.

(*3*) On the expiry of the term of office of the Trustees appointed under sub-section (*1*), or sub-section (*2*), the vacancies shall be deemed to be casual vacancies in the seats for the three members of the Corporation referred to in clause (*c*) of section 4 and shall be filled in accordance with the provisions of section 16.";

(*2*) for section 10 the following section had been substituted, namely:—

"10. While any person is holding the office of Chairman, he shall not hold any other salaried office and shall devote his whole time and attention to his duties under this Act: The Chairman to be a wholetime officer ordinarily.

Provided that the Provincial Government may require him to hold some other salaried office in addition to the office of Chairman or may permit him to perform other honorary duties which in the opinion of the Provincial Government will not interfere with the performance of his duties under this Act."; and

(*3*) after sub-section (*3*) of section 11, the following sub-section had been added, namely:—

"(*4*) If the Provincial Government requires the Chairman, under section 10, to hold any salaried office in addition to the office of Chairman, the salary and allowances (if any) payable to the Chairman for his holding the office other than the office of Chairman or such portion thereof as the Provincial Government may decide shall instead of being paid to the Chairman, be payable to the Board for credit to the Revenue Account of the Board."

C. RAJAGOPALACHARI,

Governor of West Bengal.

The 20th May, 1948.

B. K. GUHA,

Secy. to the Govt. of West Bengal.

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

West Bengal Ordinance No. V of 1948

THE BENGAL NON-AGRICULTURAL TENANCY (TEMPORARY PROVISIONS) WEST BENGAL AMENDMENT ORDINANCE, 1948.

WHEREAS it is expedient further to extend the operation of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940, with certain amendments; Ben. Act IX of 1940.

AND WHEREAS the West Bengal Legislature is not in session and the Governor of West Bengal is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor of West Bengal is pleased in exercise of the power conferred by sub-section (*1*) of section 88 of the Government of India Act, 1935, to make and promulgate the following Ordinance, namely:— 26 Geo. V, Ch. 2.

Short title and commencement.

1. (*1*) This Ordinance may be called the Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Ordinance, 1948.

(*2*) It shall come into force on the date of its publication in the *Official Gazette*.

Temporary amendment of Bengal Act IX of 1940.

2. While this Ordinance is in operation the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940, shall have effect as if—

(*1*) in sub-section (*3*) of section 1 for the words "eight years" the words "nine years" had been substituted;

(*2*) for section 2 the following section had been substituted, namely:—

"2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*1*) 'municipal area' means any area constituted a municipality under the provisions of the Bengal Municipal Act, 1932; and Ben. Act XV of 1932.

(*2*) 'non-agricultural tenant' means a tenant who holds under another person, and is liable to pay rent to such person for, non-agricultural land which, under the terms of any agreement, such tenant is entitled to use for any homestead or residential purpose or for the conduct thereon of any commercial or industrial enterprise or any trade or business, and includes a tenant who holds agricultural land within any municipal area, but does not include a tenant who holds non-agricultural land together with any structure thereon erected or owned by the person under whom such tenant holds or by the superior or predecessor in interest of such person.";

(*3*) for section 4 the following section had been substituted, namely:—

"4. Notwithstanding anything contained in any other law for the time being in force,— Setting aside of certain orders for delivery of possession.

(*a*) a non-agricultural tenant other than a tenant holding agricultural land within any municipal area, or a person who but for his ejectment in execution of a decree for ejectment would have been deemed to be a non-agricultural tenant other than a tenant holding agricultural land within any municipal area for the purposes of this Act, if he has been ejected beween the thirtieth day of January, 1940, and the date of the commencement of this Act in execution of a decree for ejectment to which the provisions of section 3 are applicable, may, within three months from the date of the commencement of this Act, and

The Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Ordinance, 1948.

(*Section 2.*)

(*b*) a tenant holding agricultural land within any municipal area, or a person who but for his ejectment in execution of a decree for ejectment would have been deemed to be a tenant holding agricultural land within any municipal area, if he has been ejected between the 24th day of April, 1948 and the date of the commencement of the Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Ordinance, 1948, in execution of a decree for ejectment to which the provisions of section 3 are applicable may, within three months from the date of commencement of the said Ordinance,

apply, without payment of any fee under the Court-fees Act, 1870, to the Court which made the order for delivery of possession to have such order set aside; and such Court, if satisfied that the order was made between the dates specified in clause (*a*) or clause (*b*), as the case may be, and in any proceeding in execution of a decree for ejectment to which the provisions of section 3 are applicable, shall set aside the order and shall direct that the applicant be restored to possession of the land to which the order relates.";

VII of 1870.

(*4*) in clause (*1*) of section 5,—

(*1*) in sub-clause (*a*), after the words "served upon him" the words "or where no such notice was served, at the rate at which the judgment-debtor was paying rent when the suit for ejectment was instituted" had been inserted; and

(*2*) in sub-clause (*b*),—

(*a*) after the word "judgment-debtor" in the first place where it occurs, the words "on whom a notice to quit was served" had been inserted, and

(*b*) for the words "notice to quit" the words "such notice" had been substituted;

(*5*) in section 6 after the words "commencement of this Act" the words, brackets and figures "or at the date of commencement of the Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Ordinance, 1948" had been inserted; and

(*6*) in section 8 the following words had been added at the end, namely:—

"or who holds under any such Government or local authority agricultural land within any municipal area."

C. RAJAGOPALACHARI,
Governor of West Bengal.

The 21st May, 1948.

B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 25th May 1948.

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TUESDAY, MAY 25, 1948

ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

EPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

CORRIGENDUM.

No. L.S.-G. 1B-27/48.—25th May 1948.—In ıb-paragraph (2) of paragraph 1 of this department otification No. L.S.-G. 1B-27/48(2), dated the 0th May 1948, relating to the constitution of the istrict Board of the 24-Parganas, published at ages 467-468 of Part I of the *Calcutta Gazette traordinary*, dated the 10th May 1948—

(i) *for* "(3) Sri Prafulla Banerjee—Sarupnagar —Basirhat" *read* "(3) Sri Profulla Nath Banerjee—Sarup Nagar— Basirhat";

(ii) *for* "(12) Sri Manmatha Nath Banerji—Sonarpur—Sadar" *read* "(12) Sri Manmatha Nath Banerji—South Garia—Baruipur";

(*iii*) *for* "(17) Dr. Dhruba Haldar—Sonarpu Sadar" *read* "(17) Dr. Dhruba Halda Gocharan—Jaynagore";

(*iv*) *for* "(23) Sri Promode Charan Naska Kulpi—Diamond Harbour" *read* "(Sri Pramada Kanta Naskar—Kulpi Diamond Harbour";

(*v*) *for* "(24) Sri Bejoy Kumar Banerje Bongaon—Bongaon" *read* "(24) Bejoy Mohan Banerjee—Bongaon—B gaon".

By order of the Governor,

S. K. GUPTA,

Secy. to the Govt. of West Benga

Printed and published by the Superintendent, Govt. Printing, Bengal, at West Bengal Govt. Press, Alipore, on the 25th Ma

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Extraordinary

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THURSDAY, MAY 27, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

ORDER.

No. 422Pr.—27th May 1948.—Whereas the *Civil and Military Gazette*, an English daily newspaper, printed and published at the Press of the Civil and Military Gazette, Ltd., Lahore, and edited by Mr. W. Bustin, contained an article with the caption "Ghastly Tactics by India Union Forces" in its issue, dated the 19th May 1948, which, in the opinion of the Provincial Government is prejudicial to the safety and stability of the Province of West Bengal;

Now, therefore, in exercise of the power conferred by clause (*d*) of sub-section (*1*) of section 8 of the West Bengal Security Act, 1948 (West Bengal Act III of 1948), the Governor is pleased

to prohibit the publication, sale, or distribution
the said newspaper, of any extract therefrom
of any translation thereof, including the public
, or distribution of any subsequent issu
th[redacted]est Bengal.

By order of the Governor,
R. GUPTA,
Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Printing,
Bengal, at West Bengal Govt. Press, Alipore, on the 27th May

Calcutta Gazette

Extraordinary

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SATURDAY, MAY 29, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF LAND AND LAND REVENUE.

Land Reforms.

NOTIFICATION.

Darjeeling.—No. 4210L.Ref.—26th May 1948. In exercise of the power conferred by sub-section (1) of section 92 of the Government of India Act, 1935, the Governor is pleased to direct that the Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Ordinance, 1948 (West Bengal Ordinance V of 1948), shall apply to the district of Darjeeling with effect from the 29th May 1948 subject to the following modifications, namely:—

(1) that sub-section (2) of section 1 of the said Ordinance shall be omitted, and

(2) that in section 2 of the said Ordinance—

(a) for clause (1) the following clause shall be substituted, namely:—

"(1) in sub-section (3) of section 1 for the figure '1945' for which the figure '1948' has been substituted by section 2 of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Act, 1947 (Ben. Act II of 1947), the figure '1949' had been substituted;",

(b) in clause (3),—

(i) for the words and figure "thirtieth day of January 1940" the words and figure "first day of April 1943" shall be substituted,

(*ii*) for the words "commencement of t Act" occurring for the first time t words "application of this Act to t district of Darjeeling" shall substituted,

(*iii*) for the words "commencement of th Act" occurring for the second time t words "application of this Act to t said district" shall be substituted,

(*iv*) for the words and figure "commenceme of the Bengal Non-Agricultur Tenancy (Temporary Provisions) We Bengal Amendment Ordinance, 1948 the words and figure "application the Bengal Non-Agricultural Tenanc (Temporary Provisions) West Beng Amendment Ordinance, 1948, to t district of Darjeeling" shall be subst tuted, and

(*v*) for the words "commencement of the sa Ordinance" the words "application the said Ordinance to the said district shall be substituted, and

(*c*) in clause (*5*)—

(*i*) for the words "commencement of thi Act" the words "district of Darjeeling" shall be substituted, and

(*ii*) for the words and figure "commencement of the Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Ordinance, 1948" the words and figure "application of the Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Ordinance, 1948, to the said district" shall be substituted.

By order of the Governor,

S. DAS GUPTA,

Dy. Secy. to the Govt. of West Beng
(*ex-officio*)

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The

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Extraordinary

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MONDAY, MAY 31, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc

GOVERNMENT OF WEST BENGAL

OFFICE OF THE SUBDIVISIONAL MAGISTRATE, JANGIPUR.

Jangipur, the 28th May 1948.

NOTIFICATION.

Under the provisions of rule 8(*1*) of the Bengal Legislative Assembly Electoral (Conduct of Election) Rules, 1936, I, G. C. Mandal, Subdivisional Magistrate, Jangipur, and Returning Officer of Jangipur Rural Muhammadan Constituency of the West Bengal Legislative Assembly, do hereby publish the final list of candidates for by-election of the said constituency in Form III below:—

FORM III.

[Rule 8(*1*).]

Jangipur Rural Muhammadan Constituency.

Final list of candidates for by-election.

rial No., name of candidate, address of candidate and symbol assigned to the candidate, if any.

1 Khan Bahadur Ekramul Huq—Gorabazar Davis Road, Berhampore—Scales.

2 Syed Badrudduja—19, European Asylum Lane, Calcutta—Umbrella.

The poll will be taken on the 14th day of June 948 between 9-30 a.m. and 5-30 p.m. at the olling stations to be notified separately.

G. C. MANDAL,
Subdivisional Magistrate and Returning Officer, Jangipur.

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TUESDAY, JUNE 1, 1948

ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

VEST BENGAL LEGISLATIVE ASSEMBLY.

lection of the Minorities Boards in West Bengal.

NOTIFICATION.

o. 1110L.A.—1st June, 1948.—WHEREAS an eement concluded at the Inter-Dominion Conce held in Calcutta in April, 1948 to set up a incial Minorities Board and, under the Proial Board, District Minorities Boards for the ess object of protecting the interests of the orities, removing fear from their minds spiring confidence in them it has decided that one Provincial Minor- Board for West Bengal and one Minorities Board for each district be formed with five members in addition to *ex-officio* chairman:

nd whereas it has further been decided that of these five members of the Provincial Board

and each District Minority Board three will be elected by the Members of the Provincial Legislature belonging to the minority communities.

Now, therefore, for the purpose of selection of three members belonging to the major minority community (Muslims) for the Provincial Minority Board and three such for each District Minority Board the following programme of election to the aforesaid Boards is published :—

Date on or before which nominations of candidatures are to be made—14th June, 1948 up to 3 p.m.

Date on which the scrutiny is to be made—15th June, 1948 at 11 a.m.

Date on or before which candidatures may be withdrawn—17th June, 1948 at 12 noon.

Date and hour on which a poll shall, if necessary, be taken in the Assembly Chamber, Calcutta—19th June, 1948 between 1 p.m. and 5 p.m.

By order,
A. R. MUKHERJEA
Returning Officer and Secy. to the
West Bengal Legislature Assembly

Printed and published by the Superintendent, Govt. Printing, Bengal, at West Bengal Govt. Press, Alipore, on the 1st June]

C207

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TUESDAY, JUNE 1, 1948

PART I—Orders and Notifications by the Governor, West Bengal, the High Court, Government Treasury,

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

NOTIFICATION.

No. L.S.-G.1B-27/48.—1st June 1948.—In exercise of the power conferred by section 5 of the 24-Parganas District Board (Dissolution) Ordinance, 1948 (West Bengal Ordinance No. III of 1948), the Governor is pleased to make the following amendment in this department notification No. L.S.-G.1B-27/48(2), dated the 10th May 1948, as subsequently amended:—

Amendment.

For paragraph 4 of the said notification *substitute* the following:—

"4. Pending election or appointment of a Chairman of the said District Board, under paragraphs 2 and 3, the Governor is pleased to appoint

Sri Profulla Nath Banerjee to be the Chairman
the said District Board to perform the functions
the Chairman and the Vice-Chairman for carrying
on the day to day administration of the Distri
Board."

By order of the Governo
S. K. GUPTA,
Secy. to the Govt. of West Benga

Printed and published by the Superintendent, Govt. Printing, W
Bengal, at West Bengal Govt. Press, Alipore, on the 1st June 194

The Calcutta Gazette

Extraordinary

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SATURDAY, JUNE 5, 1948

ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION.

No. 7171D.C.S.—5th June 1948.—The following ification No. 101/14-Tex.I/47, dated the 27th y 1948, of the Government of India, Ministry Industry and Supply, is republished in the *lcutta Gazette* for general information.

L. DIAS,
Asst. Secy. to the Govt. of West Bengal.

GOVERNMENT OF INDIA.
Ministry of Industry and Supply.

NOTIFICATION.

New Delhi, the 27th May 1948.

o. 101/14-Tex.I/47.—In exercise of the powers ferred by section 12 of the Bengal Textiles

Association Ordinance, 1945 (No. XXXII of 1945), the Central Government is pleased to direc that the following amendment shall be made in th notification of the Government of India in th Ministry of Industry and Supply No. 101/14-Tex I/47, dated the 4th March 1948:—

In the said notification for the words "for period of three months from the date of publica tion of this notification" the words and figure "up to the 1st August 1948" shall be substituted.

M. P. PAI,
Jt. Secy. to the Govt. of Indi

Printed and published by the Superintendent, Govt. Printing, Bengal, at West Bengal Govt. Press, Alipore, on the 5th June

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The Calcutta Gazette

Extraordinary

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MONDAY, JUNE 7, 1948

THE BENGAL LEGISLATIVE ASSEMBLY CALCUTTA

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATIONS.

No. 1140L.A.—7th June, 1948.—Whereas a vacancy has occurred in the Constituent Assembly of India by reason of the death of Shri Debi Prosad Khaitan, a member elected to the said Assembly by the General Part of the West Bengal Legislative Assembly:

And whereas the Hon'ble Speaker of West Bengal Legislative Assembly has been requested by the Hon'ble President of the Constituent Assembly for the election of a person for the purpose of filling the vacancy:

Now, therefore, in exercise of the power conferred by sub-rule (*6*) of rule 5 of the Constituent Assembly Rules, the Hon'ble Speaker of the West Bengal Legislative Assembly has been pleased to appoint the following dates for the doing of acts in connection with the election for the purpose of filling that vacancy mentioned respectively opposite each such date:—

Date on or before which nominations of candidates are to be made—The 17th June, 1948, up to 3 p.m.

Date on which the scrutiny of nominations is to be made—The 18th June, 1948, at 11 a.m.

Date on or before which candidatures may be withdrawn—The 19th June, 1948, up to 12 noon.

Date on which a poll shall, if necessary, be taken—The 25th June, 1948.

Note.—The hours for polling and the place at which the poll shall be taken are specified in the 1st and 2nd columns of the Schedule below:—

The Schedule.

Hours for polling.		
Hour at which poll shall commence.	Hour at which poll shall close.	Place for polling.
1		2
11 a.m.	2 p.m.	Legislative Chamber in the Legislative Building, Calcutta (excluding the lobbies surrounding the said Chamber).

By order of the Speaker,

A. R. MUKHERJEA,

Returning Officer and Secy. to the West Bengal Legis. Assembly.

No. 1141L.A.—7th June, 1948.—Whereas a vacancy has occurred in the Constituent Assembly of India by reason of the death of Shri Damber Singh Gurung, a member elected to the said Assembly by the General Part of the West Bengal Legislative Assembly:

And whereas the Hon'ble Speaker of West Bengal Legislative Assembly has been requested by the Hon'ble President of the Constituent Assembly for the election of a person for the purpose of filling the vacancy:

Now, therefore, in exercise of the power conferred by sub-rule (6) of rule 5 of the Constituent Assembly Rules, the Hon'ble Speaker of the West Bengal Legislative Assembly has been pleased to appoint the following dates for the doing of acts in connection with the election for the purpose of filling that vacancy mentioned respectively opposite each such date:—

Date on or before which nominations of candidates are to be made—The 17th June, 1948, up to 3 p.m.

Date on which the scrutiny of nominations is to be made—The 18th June, 1948, at 11-30 a.m.

Date on or before which candidatures may be withdrawn—The 19th June, 1948, up to 12 noon.

Date on which a poll shall, if necessary, be taken—The 25th June, 1948.

Note.—The hours for polling and the place at which the poll shall be taken are specified in the 1st and 2nd columns of the Schedule below:—

The Schedule.

Hours for polling.		
Hour at which poll shall commence.	Hour at which poll shall close.	Place for polling.
1		2
11 a. m.	2 p. m.	Legislative Chamber in the Legislative Building, Calcutta (excluding the lobbies surrounding the said Chamber).

By order of the Speaker,

A. R. MUKHERJEA,

Returning Officer and Secy. to the West Bengal Legis. Assembly.

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 7th June 1948.

Calcutta Gazette

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WEDNESDAY, JUNE 9, 1948

ART I—Orders and Notifications by the Governor of st Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Political.

NOTIFICATION.

No. 34841P.—9th June 1948.—In exercise of r powers conferred by sub-section (*1*) of section A of the Indian Criminal Law Amendment ct, 1908 (XIV of 1908), the Governor is hereby leased to direct that notification No. 1759/A-P., ted the 25th March 1948, notifying premises . 8E, Dacres Lane, Calcutta, as a place used r the purposes of unlawful associations, shall e cancelled.

By order of the Governor,

R. GUPTA,

Secy. to the Govt. of West Bengal.

ed and published by the Superintendent, Govt. Ptg., West Bengal, at West Bengal Govt. Press, Alipore, on the 9th June 1948

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SATURDAY, JUNE 12, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATIONS.

No. 700A.R.—12th June 1948.—It is hereby notified that Sri Sukumar Dutta has, by writing under his hand, addressed to His Excellency the Governor, resigned his seat as a member of the West Bengal Legislative Assembly for the Hooghly South-West (Rural) General Constituency in the afternoon of the 8th June 1948.

No. 701A.R.—12th June 1948.—In exercise of the power conferred by sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with sub-rule (*1*) of rule 121 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is pleased to fix the 17th July 1948 as the date before which the Hooghly South-West (Rural) General Constituency of the West Bengal Legislative Assembly shall elect a member to fill the vacancy caused by the resignation of Sri Sukumar Dutta, a member deemed to have been elected for the said constituency under the provisions of the India (Provincial Legislatures) Order, 1947, when the said constituency is called upon to do so under the said sub-rule.

No. 702A.R.—12th June 1948.—Whereas a vacancy has been caused by the resignation of Sri Sukumar Dutta of his seat as a member for the Hooghly South-West (Rural) General Constituency of the West Bengal Legislative Assembly:

Now, therefore, in exercise of the power conferred by sub-rule (*1*) of rule 121 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is hereby pleased to call upon the said Hooghly South-West (Rural) General Constituency to elect a person for the purpose of filling the vacancy so caused before the 17th July 1948 which is the date fixed in that behalf by the Governor under notification No. 701-A.R., dated the 12th June 1948.

No. 703A.R.—12th June 1948.—In exercise of the power conferred by sub-rule (*2*) of rule 4 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is hereby pleased to publish the following dates fixed by him under sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with clauses (*a*), (*b*) and (*c*) of sub-rule (*2*) of the said rule for the doing of acts, in connection with the by-election to be held in the Hooghly South-West (Rural) General Constituency of the West Bengal Legislative Assembly in pursuance of notification

No. 702A.R., dated the 12th June 1948, mentioned respectively opposite each such date:—

Date on or before which nominations of candidates are to be made—21st June 1948.

Date on which scrutiny of nominations is to be held—22nd June 1948.

Date on or before which candidatures may be withdrawn—23rd June 1948.

No. 704A.R.—12th June 1948.—In exercise of the power conferred by sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with sub-rule (2) of rule 40 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is pleased to fix the 30th June 1948 as the date on or before which a presiding officer, polling officer or polling agent or public servant, who, being an elector of the Hooghly South-West (Rural) General Constituency of the West Bengal Legislative Assembly, is duly authorised or appointed for duty at a polling station at which he is not entitled to vote, shall apply to the Returning Officer of the Constituency for a certificate entitling him to vote at that polling station but at no other in connection with the by-election to be held in pursuance of notification No. 702A.R., dated the 12th June 1948.

No. 705A.R.—12th June 1948.—In exercise of the powers conferred by sub-rule (2) of rule 4 and sub-rule (*1*) of rule 23 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is pleased to publish the following date which has been fixed by him under sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with clause (*d*) of sub-rule (2) of rule 4 of the said rules as the date on which a poll shall, if necessary, be taken, and the following hours which have also been fixed by him under sub-rule (*1*) of rule 23 of the said rules, for polling at the by-election to be held in the Hooghly South-West (Rural) General Constituency of the West Bengal Legislative Assembly in pursuance of notification No. 702A.R., dated the 12th June 1948:—

Date on which a poll shall, if necessary, be taken.	Hours for polling.	
	Hour at which the poll shall commence.	Hour at which the poll shall close.
4th July 1948 ...	9-30 a.m.	5-30 p.m.

No. 706A.R.—12th June 1948.—In exercise of the power conferred by sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with sub-rule (*1*) of rule 44 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is pleased to fix the 10th July 1948 as the date for the counting of votes at the by-election to be held in the Hooghly South-West (Rural) General Constituency of the West Bengal Legislative Assembly in pursuance of notification No. 702A.R., dated the 12th June 1948.

By order of the Governor,
M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal.

OFFICE OF THE SUBDIVISIONAL MAGISTRATE, JANGIPUR.

ERRATUM.

Jangipur, the 6th June 1948.

In the first paragraph of the notification, dated the 28th May 1948, issued in connection with the by-election to Jangipur Rural Muhammadan Constituency of the West Bengal Legislative Assembly and published in the Extraordinary issue of the *Calcutta Gazette* of the 31st May 1948, *read* "West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947" *for* "Bengal Legislative Assembly Electoral (Conduct of Elections) Rules 1936".

G. C. MANDAL,
Subdivisional Magistrate and Returning Officer, Jangipur.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 12th June 1948.

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TUESDAY, JUNE 15, 1948.

PART IIIA—Ordinances promulgated by the Governor of West Bengal under the Government of India Act, 1935.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

West Bengal Ordinance No. VI of 1948

THE WEST BENGAL BLACK MARKETING ORDINANCE, 1948.

WHEREAS the Governor of West Bengal is satisfied that it is urgently necessary in the public interest that special provision should be made for checking the evil of black marketing and whereas the West Bengal Legislature is not in session;

AND WHEREAS the instructions of the Governor-General under the proviso to sub-section (*1*) of section 88 of the Government of India Act, 1935, have been obtained; 26 Geo. V, c. 2.

The Governor of West Bengal is pleased in exercise of the power conferred by sub-section (*1*) of the said section to make and promulgate the following Ordinance, namely:—

Short title, extent and commencement.

1. (*1*) This Ordinance may be called the West Bengal Black Marketing Ordinance, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall be deemed to have come into force on the 1st day of January, 1948.

Definition.

2. In this Ordinance, the expression "Black Marketing" means,—

(*a*) selling or purchasing for purposes of trade any goods at a greater price than the maximum price fixed, by or under any law, notification or order for the time being in force, for the sale of such goods;

(*b*) otherwise than in accordance with any law, notification or order for the time being in force, selling or disposing of, or supplying articles declared to be rationed articles or otherwise rationed by or under any law, notification or order in force;

(*c*) in contravention of any law, notification or order for the time being in force, supplying, distributing, selling, disposing of, or parting with the possession or custody of, or offering to supply, distribute, sell, dispose of or part with the possession or custody of, or acquiring or taking into possession goods or anything whatsoever, the supply, distribution, sale, disposal, parting with the possession or custody, acquiring or taking into possession of which is prohibited or subject to restrictions or conditions (including conditions as to price) by or under any law, notification or order for the time being in force;

(*d*) storing, taking, causing, permitting or suffering delivery of goods upon any premises delivery upon which is prohibited by or under any law, notification or order for the time being in force;

(*e*) otherwise than in accordance with any law, notification or order for the time being in force, producing, manufacturing, or treating any goods or thing the production, manufacture or treating of which is subject to restrictions or conditions by or under any law, notification or order for the time being in force;

The West Bengal Black Marketing Ordinance, 1948.

(Sections 3—5.)

(*f*) otherwise than in accordance with any law, notification or order for the time being in force, moving or purporting to sell or supply or purporting to acquire or take into possession for purposes of trade any goods or any thing whatsoever vested in His Majesty by or under any law, notification or order for the time being in force;

(*g*) otherwise than in accordance with any law, notification or order for the time being in force using, or dealing with any licence, permit, ration card, ration document, or ration coupon issued under any law, notification or order for the time being in force;

(*h*) in contravention of any law, notification or order for the time being in force, making or uttering any counterfeit or forged licence, permit, ration card, ration document or ration coupon or doing any other act or thing in relation to any licence, permit, ration card, ration document or ration coupon issued under any law, notification or order for the time being in force, or in relation to any counterfeit or forged licence, permit, ration card, ration document or ration coupon;

(*i*) withholding from sale any article which has been prohibited from being so withheld by or under any law, notification or order for the time being in force.

Offence of black marketing and penalty.

3. (*1*) Whoever commits black marketing shall be punishable with imprisonment which may extend to seven years but shall not, except for reasons to be recorded in writing, be less than six months and shall also be liable to a fine.

(*2*) The offence of black marketing under this Ordinance shall not be prosecuted without the sanction of the Provincial Government.

(*3*) In addition to any other punishment, the Court before which a person is convicted of the offence of black marketing shall order the forfeiture to His Majesty of the goods or things (if any) in respect of which the offence of black marketing was committed or an equivalent quantity of the same or like goods or things belonging to the convicted person, or of a sum of money representing their value at the time of the order of forfeiture.

Prohibition of carrying on business in certain cases.

4. (*1*) On the third or any subsequent occasion on which a person is found guilty of an offence of black marketing the Provincial Government may make such order, having effect during such period as the Provincial Government thinks fit, for preventing the offender carrying on or being concerned in any manner directly or indirectly with the carrying on of the business in the course of which the transaction constituting the offence of black marketing was effected, or any branch of that business or any business or branch of business of a similar character.

(*2*) If any person contravenes an order made under this section he shall be punishable with imprisonment of either description for a term which may extend to six months and shall also be liable to fine.

(*3*) No Court shall take cognizance of an offence under sub-section (*1*) unless upon a complaint made by order of or under authority from the Provincial Government.

Vicarious liability.

5. (*1*) Where a person guilty of the offence of black marketing is a body corporate, every person who, at the time of the commission of the offence, was a director, officer or servant actively concerned in the conduct of the business of the body corporate shall be deemed to be guilty of the offence, unless he proves that the offence was committed without his knowledge and that he used all due diligence to prevent the commission of the offence or of offences of the same character.

(*2*) Where the offence of black marketing is committed by a firm each partner, secretary or principal officer or agent thereof shall, unless the contravention took place without his knowledge and he exercised all due diligence to prevent such contravention, be deemed to be guilty.

The West Bengal Black Marketing Ordinance, 1948.

(*Sections 6—12.*)

Attempts and abetments.

6. Any person who attempts or abets the commission of an offence of black marketing shall be deemed to have committed the offence of black marketing:

Provided, however, that the purchase of any goods for a purpose other than that of trade shall not by itself amount to abetment of black marketing.

Abetment by public servants.

7. Any public servant as defined in the Indian Penal Code who by any dereliction of duty facilitates the commission of the offence of black marketing by any person shall be deemed to have abetted the commission of the said offence within the meaning of section 6 unless he proves his innocence. Act XLV of 1860.

Bond by convicted person.

8. (*1*) Where a person is convicted of an offence punishable under this Ordinance, the Court before which he is convicted may, in addition to any punishment provided for the offence, order him to execute a bond for a sum proportionate to his means with or without sureties to observe the provisions of the law, as in force in relation to which the offence was committed, for a period not exceeding three years.

(*2*) If any person fails to comply with an order of the Court requiring him to execute a bond, the Court may order him to be put in prison for any term not exceeding twelve months to commence at the expiration of any term of imprisonment to which he was sentenced on his conviction.

(*3*) If any person who has executed a bond under sub-section (*1*) commits a breach of the condition specified in the bond his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the Court concerned why such penalty should not be paid.

Security for good behaviour in certain cases.

9. Whenever a Chief Presidency Magistrate or District Magistrate or a Presidency Magistrate or Magistrate of the first class specially empowered by the Provincial Government in this behalf, has information that there is within the limits of his jurisdiction any person who within or without such limits transports foodstuff in contravention of an order made or deemed to have been made under the Essential Supplies (Temporary Powers) Act, 1946, such Magistrate if in his opinion there is such sufficient ground for proceeding may require such person to show cause why he should not be ordered to execute a bond with or without sureties for his good behaviour for such period not exceeding one year as the Magistrate thinks fit to fix and thereafter the provisions of Chapters VIII and XLII of the Code of Criminal Procedure, 1898, shall apply in such cases. XXIV of 1946. Act V of 1898.

Any contravention of the order under the Essential Supplies (Temporary Powers) Act, 1946, committed after the execution of such bond shall be deemed to constitute a forfeiture of the bond.

Offences under the Ordinance to be cognizable and non-bailable.

10. Any offence punishable under this Ordinance shall be cognizable and non-bailable.

Special provision regarding bail.

11. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no person accused in a trial before or convicted and sentenced to imprisonment by a Tribunal constituted under this Ordinance of an offence shall be released on bail or on his own bond unless—

(*a*) the prosecution has been given an opportunity to oppose the application for such release, and

(*b*) where the prosecution opposes the application, the Tribunal is satisfied that there are reasonable grounds for believing that he is not guilty of the offence.

Cases triable by Special Tribunals.

12. (*1*) The Provincial Government may, from time to time by notification in the *Official Gazette*, allot cases for trial to each Special Tribunal, and may also from time to time by like notification transfer any case from one Special

The West Bengal Black Marketing Ordinance, 1948.

(Sections 13, 14.)

Tribunal to another or withdraw any case from the jurisdiction of a Special Tribunal or make such modifications in the description of a case (whether in the names of the accused or in the charges preferred or in any other manner) as may be considered necessary.

(2) The Special Tribunals shall have jurisdiction to try the cases for the time being respectively allotted to them under sub-section (1) in respect of such of the charges as may be preferred against the several accused and any such case which is at the commencement of this Ordinance or at the time of such allotment pending before any Court or another Special Tribunal shall be deemed to be transferred to the Special Tribunal to which it is so allotted.

Constitution of Special Tribunals.

13. (1) The Special Tribunal constituted under this Ordinance shall consist of three persons each of whom shall be a person who—

(*a*) is or has been a Judge of a High Court or a Sessions Judge or an Additional Sessions Judge; or

(*b*) is qualified for appointment as a Judge of a High Court:

Provided that the appointment to a Special Tribunal of any person not qualified under clause (*a*) shall be made in consultation with the High Court.

(2) The Provincial Government shall appoint one of the members to be the President of the Special Tribunal.

Procedure and powers of Special Tribunals.

14. (1) A Special Tribunal may take cognizance of offences without the accused being committed to it for trial, and in trying accused persons shall follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates: Act V of 1898.

Provided that a Special Tribunal may, for reasons to be recorded in writing, refuse to summon any witness if satisfied after examination of the accused that the evidence of such witness will not be material, and shall not be bound to adjourn any trial for any purpose, unless such adjournment is in its opinion necessary in the interest of justice:

Provided further that for the purpose of sub-section (1) of section 356 of the said Code English shall be deemed to be the language of the Court and the Tribunal may decide by which one, if any, of its members the evidence of any or all of the witnesses shall be taken down in writing, and where under the provisions of that sub-section the evidence of witnesses is taken down under the direction and superintendence of the Tribunal but not by a member thereof, the provisions of sub-section (3) of section 356 shall not apply.

(2) Notwithstanding anything contained in section 13 any two members of a Special Tribunal may proceed with the trial of a case during the temporary and unavoidable absence of the third member:

Provided that all three members shall be present when after the evidence has been concluded the prosecutor or the accused or his pleader is addressing the Special Tribunal and when the judgment in the case is delivered.

(3) Save as provided in sub-section (1), the provisions of the Code of Criminal Procedure, 1898, except the provision of section 196A and of Chapter XXXIII, shall, so far as they are not inconsistent with this Ordinance, apply to proceedings of a Special Tribunal; and for the purposes of the said provisions the Special Tribunal shall be deemed to be a Court of Session, trying cases without a jury, and a person conducting a prosecution before a Special Tribunal shall be deemed to be a Public Prosecutor.

(4) A Special Tribunal shall not, merely by reason of a change in its members, be bound to recall and rehear any witness who has given evidence, and it may act on the evidence already recorded by or produced before it.

(5) In the event of any difference of opinion among the members of a Special Tribunal the opinion of the majority shall prevail.

(6) A Special Tribunal may pass any sentence authorised by law.

Appeal and revision.

15. The High Court may, subject to the provisions of section 16 regarding the transfer of cases, exercise, so far as they may be applicable, all the powers conferred by Chapters XXXI and XXXII of the Code of Criminal Procedure, 1898, on a High Court, as if the Special Tribunal were a Court of Session trying cases without a jury within the local limits of the High Court's jurisdiction. Act V of 1898.

Bar of certain jurisdiction.

16. No Court shall have authority to transfer any case from a Special Tribunal, or, save as provided in section 15, have any jurisdiction of any kind in respect of any proceedings of a Special Tribunal.

Burden of proof in certain cases.

17. When any person is prosecuted for an offence of black marketing, in respect of an act or being in possession of a thing without lawful authority or without a permit, licence or other document, the burden of proving that he had such authority, permit, licence or other document, shall be on him.

Accused person to be competent witness.

18. Any person charged with an offence of black marketing shall be a competent witness, for the defence, and may give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial:

Provided that—

(*a*) he shall not be called as a witness except on his own request;

(*b*) his failure to give evidence shall not be made the subject of any comment by the prosecution or give rise to any presumption against himself or any person charged together with him at the same trial;

(*c*) he shall not be asked, and if asked shall not be required to answer any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged, or is of bad character, unless—

(*i*) the proof that he has committed or been convicted of such offence is admissible evidence to show that he is guilty of the offence with which he is charged, or

(*ii*) he has personally or by his pleader asked questions of any witness for the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or of any witness for the prosecution, or

(*iii*) he has given evidence against any other person charged with the same offence.

Special procedure for trial in the absence of accused persons.

19. (*1*) Where any accused, in a trial before a Court under this Ordinance, is, for any reason incapable of appearing or fails to appear before the Court, or resists his production before the Court, or behaves before the Court in a persistently disorderly manner, the Court may, for reasons to be recorded in writing, at any stage of the trial, by order in writing made after such inquiry as it thinks fit, dispense with the attendance of such accused for such periods as it may think fit, and proceed with the trial in the absence of the accused.

(*2*) Where a plea is required in answer to a charge from an accused whose attendance has been dispensed with under sub-section (*1*), such accused shall be deemed not to plead guilty.

(*3*) An order under sub-section (*1*) dispensing with the attendance of an accused shall not affect his right of being represented by a pleader at any stage of the trial, or of being present in person if he has become capable of appearing, or appears before the Court and undertakes to behave in an orderly manner.

(*4*) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no finding, sentence or order passed in such trial shall be held to be illegal by any Court by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with under sub-section (*1*).

The West Bengal Black Marketing Ordinance, 1948.

(Sections 20—22.)

Notice of conviction to be displayed in or outside shops.

20. (*1*) Upon the conviction of any person for the offence of black marketing, the Provincial Government may require that person to exhibit in or outside or both in and outside his place of business (if any), notices of such number, size and lettering, in such positions and containing such particulars relating to the conviction as the Provincial Government determines and to keep them so exhibited continuously for a period of not less than three months from the date of conviction; and the person shall comply fully with that requirement; and if he fails to do so, shall again be guilty of the offence of black marketing.

(*2*) If any such person refuses or fails to comply with any such requirement, any officer authorised in that behalf by an order in writing passed by the Provincial Government may, without prejudice to any proceedings arising out of any such refusal or failure, affix the notices in or outside or both in and outside the place of business in accordance with the requirement of the Provincial Government in pursuance of the last preceding sub-section.

(*3*) Any person who obstructs any such officer in exercise of any power conferred by this section shall be deemed to have committed an offence under section 353 of the Indian Penal Code. Act XLV of 1860.

(*4*) The notices shall be headed with the words "Black Marketing Ordinance, 1948" in bold letters and shall be prepared in such a manner as to be easily legible to persons contemplating making any purchases or conducting any business at the place of business where they are affixed.

(*5*) If the Provincial Government is satisfied that the exhibition of notices in accordance with the requirements of the foregoing provisions of this section would not be effective to bring the fact of the conviction to the notice of persons dealing with the convicted person, the Provincial Government may, in lieu of or in addition to making any such requirement, require the convicted person to print or cause to be printed on the letter-heads to be used by him in connection with his business during a period of not less than three months from the date of the conviction, a notice headed "Black Marketing Ordinance, 1948" in bold type and of such size and lettering, in such position and containing such particulars relating to the conviction as the Provincial Government determines; and the convicted person shall comply fully with that requirement, and if he fails to do so, shall again be guilty of the offence of black marketing.

Particulars of conviction to be published in the Gazette, etc.

21. (*1*) Particulars relating to the conviction of any person for an offence against this Ordinance shall be published in the *Official Gazette*.

(*2*) If the Provincial Government is satisfied that it is necessary so to do, in order to give adequate publicity to the offence of black marketing committed by any person, it may issue a press note containing as full and adequate an account of the trial and conviction of any such person as is reasonable in all the circumstances; and it shall be the duty of every Editor, Printer and Publisher of such newspaper in West Bengal as the Provincial Government may direct to publish the full text of such press note.

(*3*) If any Editor, Printer or Publisher of such a newspaper contravenes the provisions of sub-section (*2*) he shall, on a complaint made by order of or under authority from the Provincial Government, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

Offences under section 20 or section 21 triable by a Presidency Magistrate or a Magistrate of the first class.

22. Offences under section 20 or section 21 shall be triable by a Presidency Magistrate or a Magistrate of the first class.

The West Bengal Black Marketing Ordinance, 1948.

(Sections 23, 24.)

Extern-ment of persons convicted.

23. Where any person is convicted of the offence of black marketing the Provincial Government may, if it thinks fit, by an order in writing duly served upon such person, direct that such person after the expiry of his sentence shall remove himself from such area and within such time and by such route as may be specified in the order and not to return thereto for a period to be specified in the order without written permission of the Provincial Government:

Provided that a person who and whose father were born in the Province of West Bengal or who is a member of a family which has definitely settled in that province and is himself so settled shall not be directed to remove himself beyond the boundaries of the Province of West Bengal.

Failure to comply with the order of extern-ment.

24. Any person who having been directed by an order made and served on him under section 23,—

(*a*) fails to remove himself from any area directed by such order, or

(*b*) having removed himself from such area returns thereto in contravention of such order

may be arrested without a warrant by any police officer, and—

(*i*) may be removed in police custody outside such area, or

(*ii*) on conviction before a Magistrate shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

The West Bengal Black Marketing Ordinance, 1948.

(Sections 25, 26.)

Indemnity.

25. No suit, prosecution or legal proceedings whatever shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Ordinance.

Rule making power.

26. The Provincial Government may make rules for carrying out the purposes of this Ordinance.

C. RAJAGOPALACHARI,
Governor of West Bengal.

The 12th June, 1948.

B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 15th June 1948.

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THURSDAY, JUNE 17, 1948

ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT.

Political.

NOTIFICATION.

No. 3684P.—15th June 1948.—On 20th June is His Excellency Sri Chakravarti Rajagopalhari, Governor of West Bengal, will leave lcutta for New Delhi to take charge of the office Governor-General of India. His Excellency's parture will be private.

At 8-20 a.m. there will be an informal gathering the Hon'ble Ministers, Consular Representatives Foreign Governments in Calcutta, West Bengal embers of the Dominion Parliament, Members of e West Bengal Legislative Assembly and other il and military officers of the Government, in e Throne Room of Government House, at which s Excellency will bid goodbye. A Guard of nour furnished by the 8th Cavalry Regiment

will be inspected, and thereafter at 8-50 a.m. His Excellency will leave for Dum Dum aerodrome via Esplanade East, Chittaranjan Avenue, Shambazar Road, Barrackpore Trunk Road and Jessore Road.

His Excellency on arrival at the airport at 9 a.m. will be received by:—

The Area Commander, Bengal, Bihar and Orissa Area,

The Chief Secretary to the Government of West Bengal,

The Commissioner, Presidency Division,

The Inspector-General of Police,

The Commissioner of Police, Calcutta, and

The District Magistrate, 24-Parganas

His Excellency will inspect a Guard of Honour furnished by the West Bengal Armed Police at the aerodrome and will emplane at 9-45 a.m. and leave for Delhi.

By order of the Governor,
S. SEN, Chief Secy.

Printed and published by the Superintendent, Govt. Printing, Bengal, at West Bengal Govt. Press, Alipore, on the 17th June

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THURSDAY, JUNE 17, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

ORDER.

No. 186Pr.—17th June 1948. Whereas the Zamindar", an Urdu daily newspaper, edited, printed and published by Maulana Akhtar Ali Khan from Lahore, contained an article with the caption "Ham Sikh Hai" in its issue, dated the 7th May 1948, which in the opinion of the Provincial Government is prejudicial to the safety and stability of the Province of West Bengal;

Now, therefore, in exercise of the power conferred by clause (*d*) of sub-section (*1*) of section 8 of the West Bengal Security Act, 1948 (West Bengal Act II of 1948), the Governor is pleased to prohibit the publication, sale or distribution of the said newspaper, of any extract therefrom or of any translation thereof, including the publication, sale or distribution of any subsequent issue thereof, in West Bengal.

By order of the Governor,

R. GUPTA,

Secy. to the Govt. of West Bengal

ST BENGAL LEGISLATIVE ASSEMBLY.

of valid candidates for election to the District Minorities Board, Hooghly.

NOTIFICATION.

1181L.A.—17th June, 1948.—The list of candidates for the Hooghly District ities Board is published below for general mation:—

Abdul Wahid Sarkar, Janab, M.L.A.

) Abdur Rahman Shaikh, Dr.

) Mohmudan Nabi, Janab.

) Tayebul Huq, Janab.

—The poll will be taken on Saturday, the June, 1948, between 1 p.m. and 5 p.m. at the lative Chamber in the Legislative Buildings, the excluding the lobbies surrounding the Chamber).

A. R. MUKHERJEA,

Returning Officer and

Secy. to the West Bengal Legis. Assembly.

WEST BENGAL LEGISLATIVE ASSEMBLY.

Election of the Provincial and the District Minorities Boards in West Bengal.

NOTIFICATION.

No. 1185L.A.—17th June, 1948.—Whereas an agreement was concluded at the Inter-Dominion Conference held in Calcutta in April, 1948, to set up a Provincial Minorities Board, and under the Provincial Board, District Minorities Boards, 3 members belonging to the Major Minority Community (Muslim) for the Province of West Bengal and for each district as mentioned below have been duly elected by the members of the West Bengal Legislative Assembly belonging to the Minority Communities:—

(A) Provincial Minorities Board.

1. Janab Md. Khuda Bukhsh, M.L.A., of Beldanga, Murshidabad.

2. Janab A. F. M. Abdur Rahman, M.L.A., of Basirhat, 24-Parganas.

3. Janab Abul Hashem, M.L.A., of post office Kasemnagar, *via* Guskara, Burdwan

(B) District Minorities Boards.

(*i*) *Calcutta.*

1. Janab Shamsul Huque, M.L.A., of 7C, Nawab Abdul Latif Street, Calcutta.

2. Janab Bashir Ahmed of 22, Lower Chitpore Road, Calcutta.

3. Janab Mula Jan Mohd. of 8, Zakaria Street, Calcutta.

(*ii*) *Howrah.*

1. Janab Muhammad Idris, M.L.A., of Bankul, post office Jagatballavpur, Howrah

2. Janab Syed Sadat Abul Masud, M.A., B.L., Barrister-at-Law, of 15, Nasiruddin Road, Circus, Calcutta, and Barnan, district Howrah

3. Janab Abul Hasanat Mohammad Salim of 11, Alam Mistry Lane, Pilkhana, Howrah

(*iii*) *Midnapore.*

1. Janab Md. Muntaz of Kharagpur, district Midnapore.

2. Janab Serajuddin Ahammad of Krishnapur, post office Sandhipur, district Midnapore.

3. Janab Kabiruddin Ahmed, Pleader, of Midnapore.

8-50

(iv) *Birbhum.*

1. Janab Mudassir Hossain, M.L.A., of Rampurhat, Birbhum.

2. Janab Chowdhuri Abdul Majid of Sakulipur, Birbhum

3. Janab Mohammad Abdul Alim of Rampurhat, Birbhum

(v) *Burdwan.*

1. Janab Syed Abdul Gani, B.L., of Burdwan.

2. Janab Mohammad Abdur Rasheed of Mahata, district Burdwan.

3. Janab Mohammed Yasin of Asansol, Burdwan.

(vi) *Bankura.*

1. Janab Syed Muhammad Siddique, M.L.A., of Rol, Bankura.

2. Janab Syed Md. Aztar of Karisunda, Bankura

3. Janab Abdul Karim Mondol of Hatasuria, Bankura.

(vii) *24-Parganas.*

1. Janab A. K. M. Munsef Ali, M.A., B.L., Pleader, of Chata, police-station Mohestola, 24-Parganas, and 25, Meherali Mondal Street, Alipore

2. Janab Mohammed Khairulanam Khan of 13, Lower Range, post office Circus, Calcutta

3. Janab Latafat Hossain, ex-M.L.C., of Kankinara, 24-Parganas.

(viii) *Nadia.*

1. Janab Khorshed Ahmed of Krishnagar, Nadia.

2. Janab Molla Mohammad Abdul Halim, M.L.A., of Bamanpukur, Nadia.

3. Janab S. M. Zahuruddin of Krishnagar, Nadia

(ix) *Murshidabad.*

1. Janab Syed Badrudduja of Talibpur Murshidabad.

2. Janab Abul Kalam Mohammad Torabuddi of Bhabta, Murshidabad.

3. Janab Choudhury Badrul Alam Abul Faz of Salar, Murshidabad.

(x) *Malda.*

1. Janab Latif Husain of Bibigram, Malda

2. Janab Md. Sayeed Mia of Bibigram, Malda

3. Janab Asadullah Choudhury of Englishbazar, Malda.

(xi) *West Dinajpur.*

1. Janab Amiruddin Ahmed Chowdhury of Balurghat, West Dinajpur.

2. Janab Golam Hamidur Rahman, B.L., of Raiganj, West Dinajpur.

3. Janab Syed Pear Ali Shah of Gangarampur, West Dinajpur.

(xii) *Jalpaiguri.*

1. Dr Muhammed Soleman of Jalpaiguri Town post office Jalpaiguri.

2. Janab Nawab Musharrut Hossain of Jalpaiguri Town, Jalpaiguri post office.

3. Janab Mukhlesur Rahman of Jalpaiguri Town, Jalpaiguri post office.

A. R. MUKHERJEA

Returning Officer and

Secy. to the West Bengal Legis. Assembly

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SATURDAY, JUNE 19, 1948

ART I—Orders and Notifications by the Governor
st Bengal, the High Court, Government Treasury, etc

VEST BENGAL LEGISLATIVE ASSEMBLY.

Constituent Assembly of India.

NOTIFICATION.

No. 1191L.A.—19th June, 1948.—In pursuance sub-rule (8) of rule 5 of the Constituent sembly Rules, I hereby declare that the only ndidate, Sri Prabhudayal Himatsingka, of 6, Old st Office Street, Calcutta—1, has been duly ted as a representative of the General Part of West Bengal Legislative Assembly to the Con- uent Assembly of India in the vacancy caused the death of Sri Debi Prosad Khaitan.

By order of the Speaker,
A. R. MUKHERJEA,
Returning Officer and
Secy. to the West Bengal Legis. Assembly.

WEST BENGAL LEGISLATIVE ASSEMBLY

Constituent Assembly of India.

NOTIFICATION.

No. 1192L.A.—19th June, 1948.—In pursuan of sub-rule (8) of rule 5 of the Constituent Assemb Rules, I hereby declare that Sri Ari Bahad Gurung of Gurung Lodge, Kalimpong, has be duly elected as a representative of the General Pa of the West Bengal Legislative Assembly to th Constituent Assembly of India in the vacanc caused by the death of Sri Damber Singh Gurun

By order of the Speaker,
A. R. MUKHERJEA,
Returning Officer and
Secy. to the West Bengal Legis. Assembl

Printed and published by the Superintendent, Govt. Printing, W Bengal, at West Bengal Govt. Press, Alipore, on the 19th June 19

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MONDAY, JUNE 21, 1948.

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATIONS.

No. 738A.R.—21st June 1948.—Whereas His Excellency the Governor-General has been pleased to appoint His Excellency Dr. Kailas Nath Katju to be Governor of West Bengal in succession to His Excellency Shri C. Rajagopalachari, it is hereby notified that His Excellency Dr. Kailas Nath Katju has, on the forenoon of this day, taken the prescribed oaths and entered upon the duties of his office.

By order of the Governor,

M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal.

No. 739A.R.—21st June 1948.—The following document is published for general information:—

"By virtue of the power vested in me by Section 48 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, I, Louis Francis Albert Victor Nicholas Earl Mountbatten of Burma, do hereby appoint His Excellency Dr. Kailas Nath Katju to be Governor of West Bengal in succession to His Excellency Shri C. Rajagopalachari, with all the powers, rights, privileges and advantages to the said office belonging or appertaining.

II. And I do hereby further authorise and direct the said Dr. Kailas Nath Katju to cause this Order to be read and published in the presence of the Chief Justice or in his absence other Judge of the High Court of the Province.

III. And I do hereby further authorise and direct the said Dr. Kailas Nath Katju to take the Oath of Allegiance and for the due execution of the office of Governor of West Bengal and for the due and impartial administration of justice, in the form hereto appended, which oath the Chief Justice or in his absence any Judge of the High Court shall, and is hereby required to, tender and administer to him.

IV. And I do hereby further authorise and require the said Dr. Kailas Nath Katju by himself, or by any other person to be authorised by him in that behalf, to administer to every person appointed by him to hold office as a Minister the oaths of office and of secrecy hereto appended.

V. And I do further direct that every person who under this Order shall be required to take an oath may make an affirmation in place of an oath if he has any objection to making an oath.

MOUNTBATTEN OF BURMA,
Governor-General of India.

NEW DELHI;
The 9th June 1948.

APPENDIX.

Form of Oath of Allegiance and of Office for Governors.

"I, ..., do swear that in the office of Governor of ..... I will be faithful and bear true allegiance to the Constitution of India as by law established, and that I will do right to all manner of people after the laws and usages of India without fear or favour, affection or ill-will.

So help me God.

Form of Oath of Allegiance and Office for Ministers.

I, ..., do swear that in the office of ..... I will bear true faith and allegiance to the Constitution of India as by law established and that I will do right to all manner of people after the laws and usages of India without fear or favour, affection or ill-will.

So help me God.

Form of Oath of Secrecy for Ministers.

I, ..., do swear that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration, or shall become known to me as a Minister in ..... except as may be required for the due discharge of my duties as such Minister.

So help me God."

By order of the Governor,
M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal.

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TUESDAY, JUNE 22, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

ORDER.

No. 5110Pr.—22nd June 1948.—Whereas the Dawn, an English daily newspaper edited by [illegible] Altaf Husain and printed and published for Pakistan Herald, Ltd., by Janab A. A. Khan at the Pakistan Herald Press, South Napier Road, Karachi, contained a report entitled "Muslim [illegible] following Indo-Pakistan Agreement not [illegible]alised so far" in its issue, dated 5th June 1948, an editorial article under the heading "Hopes [illegible]ttered" in its issue, dated 6th June 1948; and a report entitled "Muslims face economic [illegible]egulation" in its issue, dated 15th June 1948, which in the opinion of the Provincial Government

are likely to endanger communal harmony and the safety and stability of the Province of West Bengal;

Now, therefore, in exercise of the powers conferred by clause (*d*) of sub-section (*1*) of section of the West Bengal Security Act, 1948 (West Bengal Act III of 1948), the Governor is pleased to prohibit the publication, sale or distribution of the said issues of the newspaper, of any extract therefrom or of any translation thereof, including the publication, sale or distribution of any subsequent issue thereof, in West Bengal.

By order of the Governor,

R. GUPTA,

Secy. to the Govt. of West Bengal

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THURSDAY, JUNE 24, 1948

PART I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDERS.

No. 7091-D.C.S.—22nd June 1948.—In exercise of the powers conferred by sub-section (*1*) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clauses (*a*), (*c*), (*e*), (*f*) and (*j*) of sub-section (*2*) of that section and with notification No. 73/1-TA/46, dated the 28th December 1946, of the Government of India in the Department of Industries and Supplies, the Governor is pleased to direct that the following amendments shall be made in the West Bengal Cotton Cloth and Yarn Control Order, namely:—

(*a*) In item (*i*) of the explanation under paragraph 13 of the said order, *after* the word "cloth" the words "and yarn".

(*b*) *For* paragraph 16 of the said order.

(*c*) *For* group A from Schedule I to the said order.

(*d*) In group F in Schedule I to the said order for the figure and words "Re. 1 per loom" the words "No fee".

No. 7960D.C.S.—22nd June 1948.—In exercise of the powers conferred by sub-section (1) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clause (a) of sub-section (2) of that section, and with notification No. 73/1-TA/46, dated the 28th December 1946, of the Government of India in the Department of Industries and Supplies, the Governor is pleased to direct that the following amendments shall be made in the West Bengal Cotton Cloth and Yarn Movements Control Order, 1947, namely :—

(1) In item (*a*) of clause (*i*) of sub-paragraph (1) of paragraph 4 of the said order *for* the word "thirteen", *substitute* the word "thirty".

(2) *For* item 1 in columns 1 and 2 of the Schedule to the said order *substitute* the following :—

Column 1.	Column 2
"1. Calcutta ...	1. The Director
2. The Sadar subdivision of the district of Howrah ...	2. The Director

(3) *Re-number* item 2 in column 1 of the Schedule to the said order as item 3 and item in column 2 thereof as item 3.

By order of the Governor
R. S. KRISHNASWAMY,
Secy. to the Govt of West Bengal

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SATURDAY, JUNE 26, 1948

PART II—Advertisements, Notices

DIRECTORATE OF INDUSTRIES, WEST BENGAL.

Bengal Textile Institute, Serampore (Hooghly).

The 1948-49 Session of the higher classes of the Institute will commence in the third week of July 1948. Application on the prescribed form available from this office for admission into the First Year Higher Class of this Institute will be received by the undersigned up to the 30th June 1948. The candidates must be *bona fide* natives or permanent residents of the province and must have passed the School Final Examination or have been trained in one of the technical schools affiliated to the Overseer Examination Board up to the Sub-Overseer Standard and be prepared to give a written undertaking that they intend to make weaving their profession after the completion of their training.

The applicants must furnish the following particulars —

(1) Class in which admission is desired.....

.....

(2) Full name and home address.....

.....

(3) Race, Religion and Caste (state if Scheduled)..

.....

(4) Present age and date of birth.....

.....

(5) Father's (guardian's if father is not alive) name...

.....

(6) Occupation of father or guardian.....

.....

(7) School or college last attended.....

.....

(8) Particulars of University or other examinations passed (name of the examination passed, year, Division and subject taken).....

.....

(9) Special qualification, if any:.....

.....

(10) State whether you would live in the hostel attached to the Institute, if not, give the name and address of a responsible guardian under whose care you propose to live and state whether he has agreed to this arrangement.....

.....

N.B.—Copies of certificate and mark sheets submitted with the application will not be returned

The application must be signed by the father or guardian of the applicant certifying that the particulars given by the candidate are true to his knowledge and that he agrees to the arrangement stated at (10).

The age of candidates for admission into the First Year Class should not ordinarily exceed 21 years on the 1st of July 1948

The course of training extends over three years and instruction is given in the theory and practice of Cotton Spinning, Weaving, Dyeing, Calico Printing and Drawing.

Candidates may be required to appear at an interview at this Institute at their own cost

The result of the selection for admission will be duly notified on the Notice Board of this Institute when the selected candidates shall be required to deposit Rs. 2 as registration fee and Rs. 10 as caution money on the date fixed by the Principal, failing which their admission shall not be guaranteed

The number of new admissions to the First Year Class ordinarily varies from 40 to 50

No tuition fee is charged but the students are required to provide themselves with the necessary books, yarn, shuttle, pirn, etc., required for their work.

Six scholarships of Rs. 15 each per month will be awarded to the newly admitted students of the First Year Class on the results of a special examination in Dictation, Essay Writing and Arithmetic held shortly after commencement of the session. Five scholarships of Rs. 15 each a month will be awarded to the students of the Second Year Class and four scholarships to the students of the Third Year Class on the combined results of the periodical examinations of the First and Second Year Classes respectively of the previous year.

These scholarships are intended for only those students who are natives of or permanently domiciled in Bengal, and they will not be awarded to those holding District Board or other stipends.

Students who pass the examination at the end of the third year's course will receive a diploma entitled "Associate of the Bengal Textile Institute, Serampore" and signed by the Principal of the Institute and the Director of Industries, West Bengal, or his representative.

The hours of attendance in all the classes are usually from 10 a.m. to 4 p.m.

The Institute has separate hostels for the Muslim, Hindu and Christian students under the supervision of Superintendents.

Seat rent at the rate of rupee one each per month for twelve months in the year and proportionate share of municipal taxes are charged from the higher class students.

Each hostel has a mess managed by a Mess Committee consisting of the Hostel Superintendent as President and some of the boarders as members. The messing expenses are shared by the boarders.

The monthly messing expenses for a boy residing in the hostel range from Rs. 20 to Rs. 30.

Medical aid is rendered free of charge to the boarders by the Medical Officer-in-charge of the Walsh Hospital, Serampore. Each boarder is required to pay the cost of medicines for himself.

B. C. BHATTACHARYA, Principal
Bengal Textile Institute, Serampore

Printed and published by the Superintendent, Government Printing, West Bengal,
at West Bengal Government Press, Alipore, on the 26th June 1948.

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MONDAY, JUNE 28, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

COMMERCE, LABOUR AND INDUSTRIES DEPARTMENT.

Labour.

ORDER.

No. 1932Lab. 12th June 1948. Whereas under ... Government of West Bengal, Commerce, ...bour and Industries Department, order No. 1104-...b., dated the 30th December 1947, the indus...l disputes that had arisen or were apprehended ... the Jute Presses in West Bengal between the ...ployers of Jute Presses specified in the schedule ...nexed to the said order being represented by ... Hydraulic Press Association, 8, Royal ...change Calcutta, and their workmen as ...presented by the Cossipore Jute Press Workers' ...nion, 1, Joy Bhattacharjee Lane, post office ...ghbazar, Calcutta, were referred for adjudica...n to Sri S. C. Datta Gupta, Additional District ...dge;

And whereas the said Sri S. C. Datta Gupta, ...ditional District Judge, has given the award shown in the annexure hereto;

Now, therefore, in exercise of the powers con...red by sub-section (2) of section 15 read with ...b-section (3) of section 19 of the Industrial ...sputes Act, 1947 (XIV of 1947), the Governor ...pleased to make the following order and to ...ect with reference to section 17 of the said Act ...at the award be published in the *Calcutta ...zette*.

The award made by the said Sri S. C. Datta ...upta, Additional District Judge, shall bind the ...ployers of the Jute Presses and their workmen ...ne and as specified therein.

The award in respect of issues relating to ...mum basic wage and graded scales of pay of ... categories of workers mentioned in item ... to ... at page 2 of the written statement of ...Union, dearness allowance and welfare arrange...nts regarding house allowance, shall remain ...operation for a period of one year with effect ...m the 1st April 1948.

The award in respect of all other issues shall ...main in force for one year with effect from the ...te of this order.

BEFORE SRI S. C. DATTA GUPTA, *Chairman, Industrial Tribunal.*

In the matter of an industrial dispute between the employers of Jute Presses specified in the schedule annexed hereto being represented by the Hydraulic Press Association, 8, Royal Exchange, Calcutta, and their workmen as represented by the Cossipore Jute Press Workers' Union, 1, Joy Bhattacharjee Lane, post office Baghbazar, Calcutta.

By order No. 1104Lab., dated the 30th December 1947, in the Commerce, Labour and Industries (Labour) Department of the Government of West Bengal, I was appointed under sections 7 and 10 of the Industrial Disputes Act, 1947, to be the Tribunal for adjudication of the disputes between the employers of the jute presses and their workmen as specified in the schedule hereunto annexed. In the schedule annexed with the order of reference the name of Cossipore Hydraulic Jute Press was entered, obviously by mistake, twice being enlisetd as Nos. 17 and 19.

From the written statement filed by the Hydraulic Press Association and the correspondence subsequently addressed to it, it will appear that this Association represents all the jute presses named in the list annexed to the order of reference excepting No. 1 Golabari Jute Press, No. 3 Laudlow and Clarkis Jute Press, No. 13 Lakshmi Jute Press and No. 33 R. Guin & Co.'s Jute Press. Landale and Clarke's Jute Press was misspelled in the list annexed to the order of reference as "Laudlow and Clarkis Jute Press".

The Cossipore Jute Press Workers' Union submitted a written statement on behalf of the workmen. The Hydraulic Press Association, hereinafter described as the Association, filed a written statement as a reply to the demands put forward by the Union.

On 20th February 1948 the Association sent a letter, dated 19th February 1948, to this Tribunal to the effect that Atlas and Union Jute Presses (No. 14), New India Jute Press (No. 20), Reliance Jute Press (No. 21), the Ghusuri Jute Press (No. 24), Bhagawali Pressing Company, Ltd. (No. 25), Salkia Jute Press (No. 26), and the Empress of India Jute Press (No. 27) were not operating as jute presses and therefore should be excluded from adjudication. Similarly on the 2nd March 1948 the Association sent another letter, dated the 1st March 1948, to this Tribunal to the effect that

as Gouti Jute Press (No. 22) had been requisitioned by the Government it should also be excluded from adjudication. The Association sent a letter, dated the 2nd March 1948, to the Tribunal with a copy of the letter from Messrs. Ralli Brothers, Ltd., in respect of their Jalpaiguri S/Agency (No. 32) stating that no dispute existed between the management and their labour in that press-house and that therefore it also should be excluded from adjudication.

As the Association did not represent Golabari Jute Press, Landale and Clarke's Jute Press, Lakshmi Jute Press and R. Guin & Co.'s Jute Press, Nos. 1, 3, 13 and 33, respectively, notices were separately issued to them from the Tribunal in the adresses given in the order of reference. The notice for Landale and Clarke's Jute Press was returned with an endorsement by the Managing Agents that there was no dispute threatened or existing in the concern. Lakshmi Jute Press did not appear in spite of service of notice. The other two jute presses, viz., Golabari Jute Press and R. Guin & Co.'s Jute Press, could not be found as there were no jute presses of those names in the addresses given in the list annexed to the order of reference. Failure of service of notice on Golabari Jute Press for its non-existence in the address given supports the allegation of the Association in their written statement that this jute press was not working at all.

The demands by the Union on behalf of the workmen and the reply by the Association to the demands gave rise to the following issues for decision :—

ISSUES.

(1) Minimum basic wage and graded scales of pay of the categories of workers mentioned in item No. (a) (i) at page 2 of the written statement of the Union.

(2) Rates of pay for hourly paid casual workers.

(3) Whether workers on hourly rate should be paid maintenance allowance for days they have to sit idle for want of raw material, failure of machinery, etc.

(4) Dearness allowance.

(5) Security of service.

(6) Holidays and forced leave.

(7) Provident Fund.

(8) Welfare arrangements regarding—

(a) housing and house allowance,

(b) canteens,

(c) medical aid,

(d) child labour,

(e) provision for education,

(f) social insurance, and

(g) uniform.

(9) Labour contract.

(10) Bonus.

(11) Shift-workers and night shift.

(12) Apprenticeship.

(13) Overtime payment.

(14) Gratuity and pension.

(15) Reinstatement of Sewsaran Singh and 4 other darwans of Central Hydraulic Jute Press and Lachmi Prasad Kayal of Bengal Hydraulic Jute Press.

(16) Recognition of the Union.

The hearing of the disputes commenced on the 15th April 1948 and was continued on various dates thereafter. Mr. S. Choudhury, Counsel, Mr. Cinwala, Counsel, Mr. S. C. Sen, Advocate, and others appeared for the Company. Mr. P. Bhattacharjee, Secretary of the Union, represented the workers during the sittings.

Before dealing with the specific issues it will be useful to give a brief account of the dispute and the nature and working of jute presses. Jute presses are engaged in the business of pressing raw jute received from the jute-growing districts into standard bales for export or for manufacture in this country, the proportion utilised in the latter being comparatively small. In a majority of cases owners of press-houses let out the facilities provided by their establishments for the baling of jute to persons engaged in the sale or export of jute bales. The facilities which the press-house owners provide are the storage and assorting accommodation required for raw jute and baled jute and the machinery, etc., required for pressing. Majority of the jute press owners are private individuals. Press-houses are leased out to jute balers who get their baling done by these presses. For an actual bale certain payment is made. Three types of workers are employed in these presses. Some are employed by press-house owners, some by balers and some by contractors. The labour employed in handling raw jute and baling jute up to the point of pressing is normally engaged direct by the balers but the press-house owners employ small number of employees who are in charge of the actual operations of pressing and the general maintenance of the machinery and press-house building, etc. In majority of cases contrators are employed to do such work as needs casual labour and the bulk of labour for such purpose is supplied by the contractors, there being no direct connection between such labour and press-house owners. In some individual cases labour is also employed direct by press-house owners.

Profit and income of press-house owners depend on the number of bales. Overhead expenses of running the houses are always borne by the press-house owners. If a baler rents a house, the owner of it gets something. The rate of rent is, as I am told, Rs. 3 per 100 sq. ft. Majority of press owners are merely renters, though in some cases they are themselves balers.

The jute mills have their own arrangements for loose bales. Jute balers have to buy jute and to send it to the presses. Pressed bales are sent out from India to overseas market. Jute bales are pressed for saving space in ship-holds. Therefore the more jute is consumed in this country the less work there would be for press-houses.

Press-houses are not all of the same size and not all have got some capital behind them. The baling of jute in presses is not, strictly speaking, a manufacturing industry in the normal accepted sense. The business here is largely in the hands of private owners and not of corporations whose resources are generally higher, e.g., bank credit, etc. A jute press can bale 30 to 60 bales per hour depending on the type of machine, and jute pressses near the river have greater export facilities and therefore attract more balers.

Workers belonging to jute presses mainly fall under two heads, viz.—

(1) the monthly paid staff, such as clerks, mistries, darwan, etc., and

(2) the hourly paid staff, such as, Kayals, Malbouas, Khalasi, Sangra, Tulandars etc.

The Union alleges that the hourly paid staff went on strike on various occasions. Correspondence passed between the Secretary, Cossipore Jute Press Union, and the presses, containing protest against dismissals, inadequate pay, etc. Finally a set of demands was sent to the Labour Commissioner, Government of West Bengal. He having failed to bring about a settlement, the matter came up before the Tribunal.

The main grievances of the Jute Press Workers are as follows:—

(1) insecurity of service;

(2) exploitation of labour contractors;

(3) little or no welfare arrangement; and

(4) inadequate pay.

I proceed now to give my award in respect of the different issues raised.

Issue No. 1.

This issue relates to the demand for fixation of minimum basic wage and various scales of pay of categories of workers mentioned in item No. *a*)(*i*) at page 2 of the written statement of the Union. The Union claims introduction of the following grades:—

Category.	Rs.
Tally Clerk	90—160
Tally Darwan	55—130
Head Clerk	140—15—300
Time-keeper	70—140
Head Mistri	90—160—300
Tyndal	75—210
Fitter	60—150
Turner	75—200
Lathe Coolie	50—120
Blacksmith	60—150
Hammerman	50—120
Fire Service	90—160
Carpenter	60—150
Cobbler	60—150
Engineman	90—160
Electrician	90—250
Electrician Coolie	40—80
Sweeper	40—80
Pressman	50—120
Greaser	50—120
Mason	50—120
Mason's Assistant	40—80
Shop Assistant	50—120
Mali	50—120
Household Coolie	50—120
Store keeper	90—160
Jamadar	90—160
Darwan	50—120

(Proportionate increment in other grades, if any.)

The Secretary of the Union at the time of hearing grouped the different categories of workers under three principal heads:—

A—Workshop categories.

B—Clerical staff.

C—Watch and Ward.

In the "A" group, viz., the workshop categories, the Secretary of the Union preferred to introduce the following sub-heads:—

(*a*) *Highly skilled.* Head Mistri is the only worker under this sub-head. He is a foreman.

(*b*) *Skilled.*—This category includes Electrician, Tyndal, men for Fire Service, Turner, Viceman or Fitter (also commonly called as Join-man), Blacksmith, Carpenter, Mason, Cobbler, Engineman and Moulder.

(*c*) *Semi-skilled.*—This category includes Greaser and Pressman.

(*d*) *Unskilled.*—This sub-head includes all the other kinds of workers, viz., Lathe Coolie, Hammerman, Electrician Coolie, Mason's Assistant, Shop Assistant, Household Coolie, Mali and Sweeper.

The "B" group, viz., clerical staff, includes Tally Clerk, Head Clerk, Time-keeper (clerk, junior), Store-keeper (clerk, senior) and Jamadar (clerk, senior).

The "C" group, consists of Tally Darwan and Darwan of the Watch and Ward Department.

At the time of hearing it was urged on behalf of the employees that the scales of pay as recommended in the report of the Central Pay Commission in respect of the different categories of workers should be introduced, though in respect of some of them different claims were laid in the written statement. Classification of workers into different categories with different nomenclatures as highly skilled, skilled, semi-skilled, unskilled-supervisory and unskilled are recognised by the Central Pay Commission.

Mr. S. Choudhury for the Association contended that the scales recommended in the Pay Commission's Report could not consistently be introduced in respect of the employees in the jute presses for various reasons. He pointed out that there are certain peculiarities of service in the case of employees of press-houses. In its general attributes the Jute Pressing Industry has closer resemblance to practice and procedure in the jute trade and to some extent in the jute mills than in other industries, such as engineering industry, etc. In the jute pressing industry the employees affected represent a small number of those employed from day to day in the press-house and their function mainly is to superintend the maintenance and operation of the actual press-house machinery. It was maintained that the type of work which is performed by the employees engaged by the press-houses is relatively simple in nature and in no case does the work require any great degree of technical knowledge, though by efflux of time and length of service efficiency may increase. It was alleged that the work is invariably of a simple type which can be quickly picked up with practice and requires no long period of training to acquire it or the exercise of any high degree of skill.

It was further urged on behalf of the Association that quite recently in the year 1945 the Government of Bengal referred for adjudication to Mr. R. Gupta, I.C.S., an industrial dispute between 15 jute presses represented by the Calcutta Hydraulic Press Association and the workmen attached to the mechanical department of those presses, represented by the Calcutta Hydraulic Jute Press Workers' Union of 1/2, Raja Dinendra Street, Calcutta. As a result of the adjudication certain scale of wages and increment were fixed by the Adjudicator to take effect from the 1st September 1945. The present demands of the employees, it was pointed out, had been formulated in all cases by taking the maximum rates

permissible under Mr. Gupta's award and adding to them substantially as the minimum and a still greater addition to reach the maximum. The Association thus characterised this demand as irresponsible and ill-informed. The rates of pay which have been demanded in this case, it was stated, are far in excess of those which should be adequate for highly skilled workers in the engineering industry carrying on machine operations requiring long periods of training and a considerable amount of individual skill. It was argued that the labour conditions in the industry have not so materially changed since 1st of September 1945 that might call for a further revision of the wage scale recommended and awarded by Mr. Gupta. Regarding this last contention, I cannot help observing that there have been rapid changes in circumstances pertaining to labour in recent times without any check. The very award of Mr. Gupta on which the Association relies shows that certain rates of wages of the workers in this industry were fixed only at the end of 1944. So what was considered fair and reasonable at the end of 1944 had to be revised by an award, with effect from 1st of September 1945, with a view to effecting an adjustment in the changed conditions of labour that had taken place within a brief period of about 8 months only. It is a common experience that labour conditions of late have been very rapidly changing and this was apparently recognised by the Central Pay Commission while they made their recommendations after a long, careful and industrious enquiry. Now, that their recommendations are before us with the grounds therefor, it is idle to say that increase in the pay scales of the employees in this industry is not called for.

My attention was drawn to the rather peculiar position of the industry connected with jute presses in West Bengal as a result of the division of Bengal into West and East Bengal. It is a highly localised industry, almost all the presses being situated in a close proximity to each other, on either side of the Hooghly. It was alleged that about 75 per cent. of the jute is grown in East Bengal and that it is obtainable in plenty there and is much cheaper than in West Bengal. The quality of jute grown in East Bengal is also stated to be far superior to that grown in West Bengal and is ideal for export. It was also urged that the Pakistan Government give all facilities and priorities for export of jute from Chittagong and there are difficulties of transport in bringing jute to Calcutta. From these facts it was sought to be established that jute presses in and in the neighbourhood of Calcutta have no assured future at all. Mr. Bhattacharjee, on the other hand, for the employees, was more optimistic and felt confident that the future of the pressing business is not at all as dark or bad as was sought to be depicted by the Association. Presses can make bales of cotton, leather, waste paper, rope, hemp and such other things besides jute. Bandha Ghat Jute Press of Saltia, for instance, is reported to carry on such business. Existence of a number of presses in Narayanganj and Chandpur area cannot be denied and these in no small measure supply the needs of the East Bengal ports. It is probable that it will take about a decade to set up new jute presses in East Bengal as observed in Jute and Canvas Review, Vol. 19, No. 233, February 1948 page 1. The total capital laid out at the start of the jute industry about 60 years back was 20 to 30 crores of rupees which has now reached 70 to 90 crores of rupees, as seen from the *Stock Exchange Gazette* of 1947. There has thus been an increase of capital in the jute industry by about 300 per cent in a little more than half a century. These are some of the circumstances forming the background of the demands for the employees.

Most of the unskilled workers are employed as Hammerman, Bucket Filler, Ashman and Sweeper. Their monthly salary for the first two years, under Mr. Gupta's award, is Rs. 2 With increments to be given after every two years of service they are to reach the maximum salary which was fixed in that award at Rs. 3 This is the minimum basic wage existing in the press-houses for the lowest paid workers. This it was contended, by Mr. Choudhury, is adequate in relation to the kind of work these people have to do. His objections against any further increments are that more buying power should not be given to one section of workers only, viz., the monthly paid staff, as with more buying power they are likely to go to the black market, and that each man must get according to his work and not always according to his need. The value of the work which the lowest paid give from the national point of view, according to him is not more than Rs. 20. He questioned the applicability of the Pay Commission's Report to the employees in the press-houses and his argument was that the Pay Commission's Report was essentially directed to Government employees only and the Government having inexhaustible source of income can do what individual press house owners are incapable of doing. The recommendations of the Pay Commission were principally based on the fact that a man must be given the minimum living wage. That is as much necessary for a man outside the Government employment as for one who is in it. Extension of the recommendations of the Pay Commission to Jute Pressing and other industries therefore can not be questioned on principle. It is a daily experience that the cost of living has been steadily on the increase in recent times. There has been increase even after the recommendations of the Pay Commission were made public. It is true that the Government could not accept the recommendations of the Pay Commission in all the details, and nobody says that because of this inability on the part of Government it should go out of existence; but there cannot be any gainsaying the fact that the recommendations of the Pay Commission are of first importance and are entitled to great consideration by any Tribunal, based as these were on a review of a very large mass of data after long, careful and industrious investigations. The standard of living reflects national conceptions and these are in turn shaped by national income. Nonetheless the relation of work to the pay undoubtedly is to be borne in mind.

The element as to whether the press-houses are sufficiently on sound financial footing to pay any increase also has equally got to be taken into account in fixing the scales of wages. Undisputedly, an average jute press packs about one lakh of bales a year. A press-house charges Re 1-14-0 for each bale from the balers. This prevails in Cossipore. In Howrah the rate is Re 1-11-0 But Howrah Press was not very popular The expense for a bale is not more than a rupee It is reasonable therefore to assume that an average jute press on this count makes a profit of about Rs. 75,000 a year. Over and above it charges Rs. 3 for every 100 sq. ft. of godown area from the balers, and each bale contains 52 cu ft of jute. Taking these facts into account, the profit that an average jute press may make may even be about Rs. 1,00,000 a year. For these considerations I am of opinion that the increase that I am going to propose to be made in the wage scale would be a burden, which it will not at all be difficult for the Jute Pressing industry to bear.

In fixing rates of pay of different categories of workers I have proceeded on the assumption that the worker in a particular category is a man

t medium capacity. Also as the whole wage tructure has to be made on the minimum basic age of the lowest paid worker, I have borne in and that the lowest wage of an unskilled worker hould be Rs. 30 as recommended in the report f the Central Pay Commission. In this particular industry the system of time-scale of increments is in force and I have taken this also into ccount.

I am not in a position to apprise the skill equired of various categories in the press house ndustry. The degree of skill required by a articular category must have to be left to the dgment of the management. The pay ranges ccording to the degree of the skill required should e as follows:—

(1) Unskilled (such as Lathe Coolie, Electrician oolie, Household Coolie, Hammerman, Mason's ssistant, Shop Assistant, Mali, Ashman, etc.)
s. 30—1/2—35.

(2) Semi-skilled workers—

Rs. 35—1—50.

Rs. 40—2—60.

Rs. 60—3/2—75.

(3) Skilled workers—

Rs. 75—3—105.

Rs. 40—2—60.

Rs. 60—3/2—75.

(4) Highly skilled—Rs. 90—5—120.
Head Mistri—Rs. 125—6—185.

(5) Clerical staff—

Tolly Clerk—Rs. 75—3—105.

Head Clerk—Rs. 130—7—200.

Time-keeper (clerk, junior)—Rs. 60—3/2—75.

Store-keeper (clerk, senior)—Rs. 75—3—105.

Jamadar (clerk, senior)—Rs. 75—3—105.

(6) Watch and Ward Depertment—

Tolly Darwan—Rs. 50—3—65.

Darwan—Rs. 45—3—60.

he above scales of pay should come into force on the 1st April 1948 and all existing staff should brought into the above rate on the basis of the umber of years of service already put in. Any orker who is already getting a pay higher than hat he would be entitled to according to the ale proposed by me should continue to receive the existing rate till he is entitled to the next igher wage in the scale according to the period service put in.

Issue No. 2.

This issue relates to rates of pay for hourly nd casual workers. The demand of the Union that the rates enjoyed by the hourly paid staff ould be increased by 100 per cent., taking the ighest existing rates as the unit. It is also lamed that the supervisors of Mandals of the ourly paid staff should get an increase of 200 r cent. No reason has been given in the written tatement of the Union why increase has been lamed. So the demand on the surface appears be arbitrary. The rates of wages that were ing given to casual workers with effect from 1st anuary 1947 and the nature of the work done by iem are as follows:—

(1) Malboas Mondal.—Rs. 5 per day for 8 ours' work. Supervises the work of the Malboas. he Mondal employed in each press-house and he eceives a full day's wages even if he works for hour.

(2) Malboas.—Rs. 3-8 for 8 hours' work. Carry loose jute after it has been assorted from the assorting godowns to the presses.

(3) Khalasi Mondal.—Rs. 4-8 per day for 8 hours' work. Supervises the work of the khalasis. One Mondal employed in each press-house, and he receives a full day's wages even if he works for 1 hour.

(4) Pucca (Chavihat).—Tightens the rope round the bale at the time of pressing, and releases the key to drop the bale after it is pressed. Wages, Rs. 3-12 per day for 8 hours' work

(5) Pucca.—Tightens the rope round the bale at the time of pressing. Wages, Rs. 3-8 per day for 8 hours' work.

(6) Pucca (Chandihat).—Places the jute after it is weighed into the pressing box of the press. Wages, Rs. 3-10 per day for 8 hours' work.

(7) Kacha.—Places the rope round the jute at the time of pressing. Wages, Rs. 3 per day for 8 hours' work.

(8) Sikwalla.—Threads the jute rope into the needle (sik). Wages, Rs. 2-8 per day for 8 hours' work.

(9) Rasiwalla.—Stretches the jute ropes. Wages, Rs. 2-4 per day for 8 hours' work.

(10) Katcha Kayal.—Weighs loose jute before pressing (200 lbs.) Wages, Rs. 3-4 per day for 8 hours' work.

(11) Pucca Kayal.—Weighs loose jute before pressing (200 lbs.). Marks the pucca bales and keeps a tally of the number of bales pressed. Wages, Rs. 3-8 per day for 8 hours' work.

Export Labour.

(12) Mate or Mondal.—Supervises work of department. Wages, Rs. 4-8 per day for 8 hours' work. Receives a full day's pay even if he works for 1 hour.

(13) Sarandars.—These men work on the top of the stack of pucca bales, arranging the bales. Wages, Rs. 3-10-6 per day for 8 hours' work.

(14) Jambhangha.—Attends to arranging of pucca bales as these come off the shute, in standing position. Wages, Rs. 3-10-6 per day for 8 hours' work.

(15) Tulandar.—Exports bales from godown or press to boat, lorries, carts, etc. Wages, Rs. 3-6 per day for 8 hours' work.

(16) Hand Cart Puller.—Pulls the hand cart. Wages, Rs. 2-4 per day for 8 hours' work.

(17) Sangras in a batch of three men.—Carry pucca bales on their heads for storing and for export. Wages, Rs. 2-4 per day for 8 hours' work.

The classes of casual workers and the kind of work that they have to do as set out above are undisputed. According to the Association, wages paid to the casual workers are the highest paid in the whole of India in any industry for this type of work and therefore no revision is called for. The Secretary for the Union relied on the provision of section 12(*1*) of the Workmen's Compensation Act in support of his contention that the principal is responsible for any compensation to be paid to the worker. An hourly paid worker generally does not work for more than 120 complete working days of 8 hours each. It appears from the list set out above that the highest paid worker in this category gets Rs. 5 for a day of 8 hours' work. Thus on behalf of the Union it was pointed out that this class of

worker can earn Rs. 600 in a year which comes up to Rs. 50 per month. Reference was then made to the Pay Commission's Report for showing that the minimum emolument in the shape of wages and allowances of the lowest paid worker has been recommended there to be Rs. 72 at a cost of living index of 280. It is said that the cost of living index has risen higher up after the publication of the report of the Pay Commission. So it was urged for the Union that the rates of pay of the casual workers should at least be doubled. Ingenious though the argument is, the fallacy would at once be apparent when we read between the lines. Even if it be accepted that the casual worker paid at the maximum rate earns Rs. 600 only in a year in the press-house industry, it must not be lost sight of that the earning is made in 120 working days only. So the particular worker is free for the remaining 245 days in the year during which he can considerably add to his income. 120 working days correspond to less than 5 months, even when it is assumed that the worker is to get one day off in the week with full pay. Taking 26 days in the month to be the number during which a monthly paid worker, accordingly to the Factories Act, is required to work in the month, it will appear that the lowest paid casual worker earns Rs. 58-8 (at the rate of Rs. 2-4 a day) in the month with a day off every week. These calculations, on the one hand, expose the argument on behalf of the Union as illusory and on the other hand confirm the contention on behalf of the Association that these classes of workers are paid most adequately. In fact the allegation of the Association that the wages paid to the casual workers are the highest paid in the whole of India in any industry for this type of work could not be refuted on behalf of the Union.

Having regard to the nature of the work done by these workers and the value that they get in return in the shape of wages, I do not consider that any revision in their existing rates of pay is called for. Apart from that as it appears that most of the hourly paid workers are employed by the contractors and the press-house owners have got no control in the matter of contract labour which is the concern of the contractors, and in view of the absence of relationship of master and servant between the press-house owners and the labour engaged by the contractors, any burden in the shape of increase in pay of such workers cannot be imposed on the press-house owners.

Issue No. 3.

The demand of the Union is that the workers on hourly wage should be paid maintenance allowance at the rate of Re. 1 for each day they have to sit idle for want of raw materials, failure of machinery, etc. The Association resist this demand inasmuch as employers, according to them, are not responsible for failure of supply of raw materials and machinery, etc. Thus no liability, it is alleged, attaches to them for absence of work in press-houses. Another point taken by way of reply is that in any event no payment of wages can be claimed when no work is done. Further it was pointed out that by the very nature of the business, pressing and packing of jute cannot be conducted as a regular and continuous process as the manufacture of certain commodities, as for example, paper or sugar.

It was contended for the Union that the employer should give the workers timely notice to find out work elsewhere if provision for continuous work for any length of time over one week is not possible. In any case it was claimed the payment should not be less than Re. 1 for each working day or any fraction thereof; or, in other words, it was claimed that the minimum monthly earning of a worker on hourly rate should be a guaranteed amount. I am unable to find this issue in favour of the Union for the following grounds:—

(1) The hourly paid workers are people mostly employed by the contractors and not by the employers. There is thus no direct relationship of master and servant between the press-house owners and this class of workers.

(2) In fixing wages it is only fair that incidents of advantages and disadvantages should be taken into account and this burden, in my view, cannot be put on the press-houses because when no work is done no remuneration can be claimed as of right, and when there is any absence of work it leads to loss for not only balers and press-houses but contractors also. Also failure of machinery, want of raw materials, etc., are a calamity common to everyone connected with the industry. Accordingly the labour which collaborate with the press-houses, balers or contractors, should also share in that common calamity. This is a hazard which is inherent in the nature of things prevailing in the industry and for that no guaranteed amount can be accorded to the workers on hourly rates. I am, therefore, unable to find this issue in favour of the workers.

Issue No. 4.

This issue relates to dearness allowance. On behalf of the workers it is claimed that dearness allowance should be 70 per cent. for the first hundred of the salary, 50 per cent. for the second and 30 per cent. for the third, subject to a minimum of Rs. 45. The Association are not opposed to the fixation of dearness allowance. They, however, contend that in fixing dearness allowance the rates and scales of pay should be borne in mind so that the level of remuneration generally and the economic consequences which attach thereto may be considered as a whole.

The existing rate of dearness allowance paid to the workers is as sanctioned under the last adjudication, viz., Rs. 21-15 per month for a worker with a dependent in Calcutta and Rs. 19-15 per month for a worker with no dependent in Calcutta or its equivalent in kind.

The Pay Commission recommended the following slabs regarding dearness allowance:

Pay.	Cost of living index		
	240	260	280
	Rs.	Rs.	Rs.
Up to Rs. 50 ...	20	25	30
Rs. 51—100 ...	30	35	40
Rs. 101—150 ...	35	40	45
Rs. 151—200 ...	30	45	55

I would have no hesitation in accepting these recommendations of the Pay Commission in fixing the dearness allowance of the workers, but for the fact that there has been rise in the cost of living index of late even above 280. It was something like 311 in March last. Having this fact into consideration, I propose fixing the following rates of dearness allowance taking effect from the 1st April 1948:—

Pay range.	Dearness allowance
	Rs
Up to Rs. 50 ...	35
Rs. 51—100 ...	45
Rs. 101—150 ...	50
Rs. 151—200 ...	60

Issue No. 5.

This issue relates to security of service. The workers claim that they must get service cards and should be made permanent after a period not exceeding two months. Thenceforward it is claimed that they should enjoy the benefits of permanent service and no worker should be dismissed or suspended without proper notification to the Union. It is also claimed that dismissed workers must get three months' notice in writing or three months' pay with dearness allowance in lieu thereof. The reply of the Association with regard to this claim is that it is a matter which is outside the jurisdiction of the Tribunal. It is contended that the employer's right to engage and dismiss men as he sees fit, subject only to the terms of his standing orders and the provision of any legislature on the question, is the most fundamental of all employer's rights and cannot be called in question or regulated in any way by any Tribunal. It was alleged that a dispute relating to a claim that retrenchment should be regulated in any way is not an industrial dispute. "Industrial dispute" as defined in section 2(*k*) of the Industrial Disputes Act, 1947, means any dispute or difference between employers and employers, or between employers and workmen, or between workmen and workmen which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person. The question raised in this issue on behalf of the workers certainly relates to employment or non-employment or the terms of employment or the conditions of labour of the workers. That being so the matters related to this issue come within the definition of industrial dispute. Under section 15 of the Act it is incumbent upon the Tribunal to adjudicate on any industrial dispute referred to it. Clearly therefore the Tribunal has jurisdiction to go into the points raised on behalf of the Union with regard to security of service.

As regards the first point relating to service card, it appears that the system of maintaining service card was introduced about two years ago. So the workers can have no grievance on this count.

In my view, while it is admitted on behalf of the Association that the work in this industry does not require any high skill as is required in other industries, I consider that a period of three months should be enough for probation and a worker should be made permanent after a probationary period of three months.

No worker should be dismissed without a proceeding in writing being started and a copy of the charges being supplied to him in good time to enable him to defend himself in such proceeding. Intimation about dismissal or suspension should be sent to the Union without delay. The service of a worker should not be terminated without notice in writing of one month or the payment of one month's pay in lieu of such notice.

Issue No. 6.

This issue relates to holidays and forced leave. The Union claims that the workers should enjoy benefit of gazetted holidays and should get at least one month's privilege leave, 15 days' casual leave, 8 days' festival leave and one month's sick leave on full pay and dearness allowance. It is also claimed that in cases of protracted illness leave on half pay and full dearness allowance to the extent of two months should be granted and no worker should be forced to take any leave without pay.

The members of the Calcutta Hydraulic Press Association give in addition to 8 festival holidays, 14 days' leave with pay to permanent members of the press-house and leave on pay is also granted in cases of genuine sickness.

It is alleged that when a particular casual worker incurs the displeasure of the management he is forced to take leave. Objection as to forced leave has thus been taken regarding casual workers only. The practice, it is alleged, is that the Sardar asks the offending worker not to come. No materials have been placed before me to justify an inference that such a practice obtains in the industry. The incidents of service of hourly paid staff is that they are not engaged when there is no work to keep them engaged. In fact I have already stated that they are not required to work for more than 120 working days in the year. Non-employment during the rest of the year cannot be attributed to forced leave.

Ignoring Saturdays and Sundays, the total demand for leave on behalf of the employees is 83 or 84 days' leave with full pay in the year. This demand, to say the least of it, is extremely extraordinary and not consistent with the system prevailing in any industrial centre anywhere. It is only recently that legislation in the United Kingdom has granted one week's leave with pay to all industrial workers. It is no doubt true that India being a tropical country a worker here requires more rest than one working in cold climates, but we cannot shut our eyes to the system prevailing in industrial centres in this and other countries under similar conditions. I consider the Union has no ground for complaint regarding festival leave, because 8 days' festival leave, which they want, is given by all members of the Association. In addition to this I consider that it will be fair and consistent with the leave conditions prevailing in Bengal and elsewhere in different industries, to grant 15 days' privilege leave with full pay to the workers.

The workers demand grant of 15 days' casual leave with pay per year. Everyone occasionally has to stay away from work owing to sudden domestic emergencies such as a wedding or a funeral or illness of a member of his family, etc. The advantage of casual leave no doubt may often unfairly be taken regardless of whether there is any emergency at home, but it is also true that emergencies do occur from time to time in everybody's life. I, therefore, propose that 7 days' casual leave should be allowed to all employees in the year, on pay.

In genuine cases of sickness the Association grant leave on full pay. So at the time of hearing the practice in vogue for the grant of sick leave was accepted as suitable on behalf of the Union and no specific direction accordingly regarding sick leave is called for.

I should note that whenever leave is granted on pay, dearness allowance also should be given.

Issue Nos. 7 and 14.

These issues relate to Provident Fund, gratuity and pension. The Union claims that the system of Provident Fund should be introduced in each workshop and each worker should contribute 12 per cent. of his monthly earning and employer also should credit a like amount to the fund. Regarding gratuity it is claimed that workers working for 15 years or over must get gratuity at the rate of 12½ per cent. of his total earning during his service period. There was a claim for introduction of pension system also in the written statement of the Union, but the claim in this behalf was given up at the time of hearing and the claims for Provident Fund and gratuity were pursued.

Provident Funds or pensions or gratuities are, so to say, alternatives. It appears that the Association created a welfare fund for the benefit of the permanent establishment of the press-houses. The fund is financed by the members of the Association and the benefits obtained under it take the place of individual arrangements by press-houses for granting amenities to their workers. Under the welfare scheme an old-age pension is payable to all workers after 30 years of service and after the age of 50 at a uniform rate to be fixed from time to time by the Committee of the Association. The amount of the pension will not be less than Rs. 20 per month. In addition, a worker's family will be paid a lump sum of Rs. 50 as funeral expenses in the event of death. These benefits are granted to the workers voluntarily at no expense to them. Every worker wishing to benefit by this scheme must register with the Association. It is significant that the fund is administered by the Association; so the movement of a worker from one place to another will not affect his right to receive the pension.

Mr. Bhattacharjee wanted the pension system to be abolished and gratuity and Provident Fund systems to be introduced. He opposed continuance of the pension system as an alternative to Provident Fund and gratuity. His main objections are –

(*a*) ordinarily a worker does not live very long after retirement and therefore he can enjoy the pension only for a short time, after which his family does not get anything;

(*b*) if he gets a lump sum of money after retirement from the Provident Fund and gratuity, he would be able to spend money for the education of his children, for the marriage of his daughter or something of that description;

(*c*) with a portion of it, he will be able to start a shop or small business in his village;

(*d*) in cases of emergencies he will be able to take loans from the Provident Fund;

all or any of which is not possible to be done with a pension of Rs. 20 only per month.

Theoretically there may be some force in what Mr. Bhattacharjee says, but from a practical standpoint of view pension system appears to be considerably better than the other alternatives. Improvident nature in our labour is notorious. A worker after retirement, when he suddenly finds himself in possession of some money in a collected form, is likely to squander it away by spending it extravagantly. Introduction of Provident Fund involves regular deduction from monthly wages, which in these hard days, is not likely to be taken kindly by the workers. Usually a worker starts at 20, and 30 years of service is required for earning him a pension. Taking 60 years to be the average span of life for an industrial worker, mathematically also it would appear that the pension scheme is more advantageous to him than the Provident Fund and gratuity schemes. Where P represents the present value of an annuity and R denotes the amount reached by one rupee at the end of one year and A represents the present value of an annuity of Rs. A payable at the end of each of n successive years –

$$P = \frac{A}{R-1}\left(1 - \frac{1}{R^n}\right).$$

Assuming that money can be invested with interest at 3 per cent., for that is the rate that can be expected in the present times, if any investment is to be sound, the present value of the annuity of Rs. 240 (at the rate of Rs. 20 per month) –

$$\frac{240}{1{\cdot}03-1}\left\{1 - \frac{1}{(1{\cdot}03)^{10}}\right\} = \text{Rs. } 2{,}042{\cdot}4$$

Thus one has to invest Rs. 2,042 and odd at present to bring him an annuity of Rs. 240 per annum for ten years. A Provident Fund would not give the worker that amount at retirement. The welfare fund of the Association is in existence and it has been working well. Any change in it would be a change for the worse for the worker. I am therefore definitely in favour of continuance of the pension system. With such a system in existence Provident Fund need not be introduced and grant of gratuity does not arise.

The Central Pay Commission also favour pension scheme. At page 104 of their report they observed that with the present fall in the rate of interest the advantages of the Provident Fund system have been somewhat offset. They opine that as a matter of family protection, security to the employer himself and stability and control from the employer's point of view, the pension system yields advantages which should not be given up in place of Provident Fund system.

Issue No. 8.

This issue has been raised over the question of welfare arrangement under several heads.

(*a*) The first item is housing and house allowance. The Union wants every concern to accommodate the workers in free healthy quarters or pay house allowance. According to the Association, provision for adequate housing is a matter which is principally and particularly the responsibility of the State. In this connection it will be useful to refer to the report of the Industrial Housing Sub-Committee of the Standing Labour Committee, New Delhi, dated 25th May 1946, which at page 15 reads as follows: –

"We in this Committee after consideration of all aspects of the problem have come to the conclusion that the task of housing industrial workers in urban areas, because of its magnitude, can only be successfully undertaken by the collective efforts of the local authorities, Government and the employers. The Committee are unanimous in their opinion that it will not be possible to provide the minimum standard required for workers' houses on an economic basis for the lower paid industrial workers unless such housing schemes are subsidised by the Central and Provincial Governments and employers. In urban areas and other areas developed by the local authorities workers' houses should be built and owned by the local authorities."

So from authoritative quarters, we have the opinion that housing is a matter regarding which some responsibility rests with other quarters, and without bringing all those parties in the dispute the entire responsibility of making provision for housing cannot be laid at the employer alone. Besides, building materials also are not always available. Though housing arrangement may not be possible, the alternative, viz., a grant of house allowance, has got seriously to be considered. The Association, however, is opposed to the grant of any house allowance to the workers as they maintain that in assessing remuneration they take into account basic necessities of life such as food, clothing, housing, etc. Increase in the cost of living, they maintain, is covered by dearness allowance. This, however, is not exactly the view of the Pay Commission who think that in costly cities like Calcutta and Bombay and other places where population is over a lakh, some house allowance should be paid to workers besides dearness allowance. They have prescribed certain scales regarding house allowance for workers getting different scales of pay. However, it has got to be remembered that the workers engaged in the industry with which we are concerned in this dispute are generally selected from people living in or near the place of the industry concerned. They being most

ual people, I consider that a grant of Rs. 5 at flat rate as house allowance would meet the equirements of the labour and would not throw n unbearable burden on the management. House llowance at the flat rate of Rs. 5 per month hould therefore be given to all the workers other han casual, with effect from the 1st April 1948.

(b) The Union demands canteens to be established in each of the press-houses and wants hat tiffin rooms for the purpose should be ufficient to accommodate the workers. The emand is opposed by the Association. In view f the other advantages that the workers will be etting under this award, I do not think that a irection for establishment of free canteens would e justified. I should, however, propose that the ress-houses should provide some tiffin rooms where he workers may take tiffin at their own expense.

(c) The workers want that they should get the enefit of free medical aid. The demand is isted.

It, however, appears that the Association has welfare dispensary in Cossipore for the benefit monthly paid permanent establishments in ember press-houses. A doctor is employed by e Association who attends daily at the dispensary the afternoon and workers on presentaon of their service certificates issued by e Association are attended to at the dispensary d given free medical advice and medicines. am further told that there is no arrangement r any medical aid in the Salkia and Baranagar eas. The Association should arrange for free edical advice and medicines for these two areas so as they have done in Cossipore. I should so observe that hourly paid staff should not be rived of such free medical aid. The pressuses which are not members of the Association ould also make similar arrangements for free edical aid for their workers.

(d) The Union wants that employment of child bour should be stopped. Mr. Bhattacharjee the Union at the time of hearing, stated that almost all the press-houses certain areas are let sublet to people to carry on business of ropeaking by engaging children, whose number, cording to him, is not less than 60 per cent. of e total number of workers engaged.

The Association is definite that press-houses do employ children at all. This could not be tuted on behalf of the Union. If any child employed by any lessee of any press-house, the ter cannot be held responsible for it and that es not give rise to a dispute which can gone into in these proceedings. This is a atter for which the blame rests with the lessees o are liable to punishment under the Factories t in proper proceedings.

(e) The Union wants arrangements to be made educate the workers and also their children. e demand in this regard by the Union appears be very cryptic. It would be too much to ask e Association to undertake the duty of educatg workers and their children. This is a duty of e society at large and not of the employer one. In this and in other similar matters dustries are and will be called upon through sation or otherwise to contribute to plans of ucational authorities who are better fitted to ok into this matter, for which no award of the ibunal is necessary.

(f) Here again the Union has been very cryptic its demand that social insurance is to be troduced. At the time of hearing after certain cussion this demand was given up by the Union the Government of India Union has accepted althy insurance scheme and other similar hemes are going to be introduced.

(g) The workers claim uniforms to be provided to them. This is a matter which should be essentially left to the discretion of the individual employers. So far as the provision of special clothing for those employees who do special work which requires such clothing, is concerned, it is already covered by the provisions of the Factories Act. I am told that other comparable industries do not provide uniforms except to Darwans. The employers in their own interest, for the maintenance of discipline and the like, provide Darwans with some sort of uniforms. Darwans therefore should be provided with uniforms. As regards others, the question of uniform is left to the discretion of the employers.

Issue No. 9.

This issue relates to contract labour and the Union demands that labour contractors should be done away with.

About 75 per cent. of the workers belong to the hourly paid staff who are mostly engaged by contractors. Contractors are entrusted with doing the work for which casual labour is needed. These contractors find the necessary labour and pay them, and the press-house owners have no direct contact with them though they assist the contractors to ensure proper payment to the labour employed by them and publish labour rates for the information of the contractors' labour. In view of the irregular nature of the work done, the contract system cannot in my view altogether be done away with.

The contractors are no parties to this dispute. Labour employed by them are not direct employees of press-houses. For the Union it has been pointed out that contractors in their turn appoint sub-contractors or sardars who, it is said, exploit the labourers in every possible way. If the payment by the press-houses to their workers is low, payment by the contractors to the contract labour must be lower as the contractors must retain a margin of profit for themselves. Mr. Bhattacharjee states that a contractor gets about 6 to 8 annas per bale and pays 4 annas or thereabout to the sub-contractors who meet all the expenses regarding the hourly paid staff, the supervision of whose work is really done by the Sardars or Mondals, as they are called. As the hourly paid workers form the majority of the labour force and as the contractors and sub-contractors as middlemen make some profits for themselves curtailing the income of the actual workers, it was urged that the labour contract system should be abolished. While these facts certainly deserve serious consideration, there is no getting over the position that there is no direct relationship of master and servant between the press-houses and the contract labour. The contractors and the sub-contractors are two classes of people who intervene between the press-house owners and the employees. Each contractor has in his control a group of people under him and he may employ them in different press-houses according to necessity at different times. A particular workman may be employed at the daily rate while another at a different rate with which the press-houses have no direct concern. Though it is true that some of these workers are practically permanent so far as the contractors are concerned, but they may not be so in relation to any particular press-house. Contract labour are paid directly by the contractors or the sub-contractors as the case may be though they might be working in the same premises with the permanent staff employed by the press-houses. The Association publish labour rates so that the labour may not be kept altogether in the dark about the rates by the contractors or the sub-contractors, who are further assisted by the Association to ensure proper payment to the labour. But the press-house owners have no direct control over such a class of workers and cannot be forced to take

the contract labour directly in their regular employment without legislative changes. If the contract system is an evil it is a necessary evil as it now stands, particularly in view of the irregular nature of the work that has to be done in this industry. I am therefore unable to accede to the demand of the Union that labour contractors should be done away with.

Issue No. 10.

Bonus has been claimed for the workers on three heads, viz., general bonus, production bonus and profit-sharing bonus. It was claimed that those firms which pay bonus should increase it by 50 per cent. and in no case should it be less than 3 months' pay. Regarding profit-sharing bonus, 15 per cent. of the profit is claimed to be distributed amongst the workers.

The attitude of the Association is that bonuses paid by employers are of an *ex-gratia* nature as an act of grace and as such it cannot be the subject matter of an industrial dispute. Jurisdiction of the Tribunal to entertain the question also was disputed.

We have first to ascertain what is a bonus, whether in all cases it is an *ex-gratia* payment. For this purpose we may refer to the definition of "wages" as given in clause (*vi*) of section 2 of the Payment of Wages Act (Act IV of 1936) which reads:—

"Wages" means all remuneration capable of being expressed in terms of money, which would, if the terms of the contract of employment, expressed or implied, were fulfilled, be payable whether conditional upon the regular attendance, good work or conduct or other behaviour of the person employed, or otherwise to a person employed in respect of his employment or of work done in such employment, and includes any bonus or other additional remuneration of the nature aforesaid which would be so payable and any sum payable to such person by reason of the termination of his employment but does not include—

(*a*) the value of any house accommodation, etc.

(*b*) ... ..

(*c*) . .. .

(*d*) .

(*e*) . ..

This definition shows that bonus may not always be an *ex-gratia* payment but can form part of the wages earned and in that form it is either production bonus or attendance bonus. Besides these two kinds, there are several other forms of bonuses prevalent in the industries. Bonus may be an *ex-gratia* payment, but when it is demanded for work done out of which the employers make high profits, the demand is not for any payment gratis but is as a reward. It is to be remembered that adequate wages and dearness allowance, if any, for the increased cost of living are the first charge on the industry. But the workers may reasonably ask for a bonus when there are enhanced profits, when dividends are paid up after providing for taxation and depreciation, specially when their wages are below the living wage standard. As I have observed above, bonus is included in the term reward. Reward is anything given or paid in return for anything done as kindness, service, etc. It includes additional gratuitous payment for work already done over and above a payment according to agreement. Such additional payment is not pure gift because a gift may have no relation to any work done or to be done by the donee. But it is a reward inasmuch as it is asked for as an extra payment for the work actually done. Such reward by way of extra bonus over and above the regular bonus paid under an agreement as of right or by way of conditional payment, as for example, efficiency and good attendance bonus, would not form part of wages under the Payment of Wages Act 1936. In this view prosperity bonus may not always, strictly speaking, be described as an *ex-gratia* payment. Festival bonus, independence bonus, etc., may be described as *ex-gratia* bonus but there is a marked difference between such bonuses and bonus in general on which labourers seem to have got some claim, however thin it may be.

In the matter of granting bonus the underlying principle which calls for consideration is that the demand of bonus, though not based on legal rights arising out of a contract, expressed or implied, has to be decided on broad principles of equity and justice. The notion that bonus can only be claimed by the right founded on contract, expressed or implied, must be given up. The only just and equitable principle upon which an employer may be called upon to grant a bonus to the employees is to consider the amount of profits made by the employer in any given year and the general financial condition of the concern and its capacity to bear this additional burden of granting bonus without impairing the efficiency or injuring the business in any vital matter. It is clear that bonus, as described above, is obviously dependent on the prosperity of the business concerned inasmuch as certain conditions of prosperity may make the payment of it possible, other conditions of depressions may make it impossible.

Mr. Bhattacharjee founded the claim for general bonus on the insufficiency of emolument of a worker. It appears that some of the jute presses grant bonus to some of their employees such as clerks and Darwans and in some press-houses this is extended to the press-house workers i.e., the monthly paid staff. I am told that quite recently many press-houses granted independence bonus to all workers, monthly and casual. Mr. Choudhury, on the other hand, referred to a legal obstacle. He maintained that if bonus is taken as a part of remuneration it comes to be included within wages which under section 5 of the Payment of Wages Act has to be paid before the expiry of the seventh day of the wage period. Therefore he urged that a legal bar is put to the payment of general bonus once in the year. An award cannot override the provision of law and the employer cannot be asked to do something illegal.

Regarding production bonus, by which is meant efficiency bonus, it is to be seen that it is connected with scientific management, i.e. greater production in less time. But in order to cope with the system of demand and supply, employers are in the habit of curtailing production so that the price may go up. Whatever may be the case if there be no sufficient profit, an employer cannot reasonably be asked to pay any bonus. In the particular industry which we are now dealing with it is clear that production bonus has relation to work. In this industry three sets of workers are employed, one by the press-house owners, another by the balers and a third by the contractors. There is thus a great difficulty in the matter of measurement or adjustment of the work. It is extremely difficult to strike an average or a normal above which a production bonus can be paid.

Regarding profit sharing bonus, the workers claim that 15 per cent. of the profit should be distributed amongst the workers. The press-houses are not generally limited concerns and are owned by private individuals. Five per cent. of India's population enjoy 33½ per cent. of the national wealth and it is said that these individual press-house owners belong to those 5 per cent. who are enjoying a third of the total national wealth. By

regarding the question of profit sharing bonus also, there are some difficulties. Profit in this industry is dependent on the fortuitous connection which the press-house owners might make with balers, jute suppliers and overseas market. If any profit sharing bonus is to be paid, a worker is converted into a partner in the business, in which case he ceases to be an employee. Technically therefore, an employee cannot claim any specific share in the profit by way of bonus.

Whatever may be the difficulties or however forceful may be the argument against the direction for the grant of bonus by an outside body, there is a growing recognition in business concerns of the principle that when the employers make any profit the employees who contribute to it by their labour, may reasonably claim something of it in the shape of bonus. Unless this were recognised the Calcutta Hydraulic Press and some other press-houses would not have paid bonus to their employees. The Calcutta Hydraulic Press pays a bonus amounting to one month's wages to its employees. Some of the other press-houses also paid bonus in the past while others have not. Though I take the view that in this particular case the payment of a bonus should not be ordered by any outside body because of some difficulties pointed out above, I recommend, having regard to the profits that the press-house owners made, that the employers should pay one month's wages to the workers as bonus.

Issue No. 11.

The workers want that when an employer introduces shift system, shift workers must get enhanced pay and overtime rate and such shifts must be arranged in such a way as to cause no inconvenience to workers. This is a speculative claim as the press-houses do not work more than one shift, and therefore this cannot form a matter in dispute.

It was claimed for the Union that there should be scientific arrangement for shifts regarding Electricians, Darwans and Fire Service people. No specific demands regarding these categories of workers were raised in the written statement of the Union. These categories of workers in the concerns have to attend to the specialised kinds of job for which they are employed. In the absence of shift system prevailing in the industry no direction is necessary regarding this issue.

Issue No. 12.

This issue relates to the period of apprenticeship but was not pressed at the time of hearing.

Issue No. 13.

It was claimed for the workers that those working on holidays must get double the rate of their grade, and over and above that overtime at the same rate is to be paid to the workers working for more than 48 hours a week. This is a demand in respect of a subject which is already covered by the provisions of the Factories Act, which makes payment of overtime at certain rates compulsory for all employers. If the provision in this Act in regard to the payment of overtime be not observed in this industry, the employers render themselves liable to penalties provided in the Act for infringement of the provisions. I do not see how the adjudicator can be expected to do anything about it. Instances of non-compliance of the provisions of the Act may be brought to the notice of the Inspectorate of the Factories by the aggrieved parties or the Union for redress.

Issue No. 15.

This issue relates to reinstatement of Sewsaran Singh and four other Darwans of Central Hydraulic Jute Press and Lachmi Prasad Koyal of Bengal Hydraulic Jute Press. They were all alleged to have been dismissed during 1941 and 1942. I do not find the name of Bengal Hydraulic Jute Press in the list of jute presses annexed to the order of reference. So any dispute regarding any employee of that jute press cannot be gone into in these proceedings, it being outside the scope of the order of reference. Regarding the five other men, it appears that they were thrown out of employment as a result of military occupation of the press-house during the war. After some discussion Mr. Bhattacharjee appearing for the Union agreed that the question of their reinstatement may be left to the discretion of the management and settled by negotiations between the parties.

Issue No. 16.

It is demanded for the workers that the Cossipore Jute Press Workers' Union should be recognised by all the jute presses made parties to the dispute. The Association want the question to be left open to be decided by the Labour Court under the Amended Trade Unions Act passed recently by the Indian Central Legislature. The Amended Trade Unions Act provides a machinery for compelling recognition of a trade union by the management under certain circumstances. Labour Courts will be constituted shortly to adjudicate on the question of recognition. The question of recognition to my mind does not strictly come within the terms of employment or with the conditions of labour in an industrial dispute, concerning which alone a Tribunal under the Industrial Disputes Act can decide. Thus it appears that the question of recognition of a trade union cannot be adjudicated by a Tribunal under the Industrial Disputes Act. Apart from that, any decision regarding the matter by this Tribunal might prove a source of difficulty and embarrassment to the Labour Court under the new Act. The workers, therefore, must have this question settled by negotiations with the employers or wait for its decision in a proper proceeding under the Amended Trade Unions Act which will be coming into force very shortly.

This award should come into force with effect from 1st April 1948 in regard to such of the matters as specified hereinbefore. Regarding other matters it should come into force on its publication.

The jute presses which are not existing or functioning will not be affected by this award from the dates when these ceased to exist or ceased to function. The award, however, will be applicable to all the other jute presses within the list specified in the schedule annexed hereto. I am unable to recommend exclusion of applicability of this award to those jute presses regarding which intimation had been sent that there is no dispute existing there because the employees had no concurrence in it.

Before parting with this case I should like to place on record my sincere thanks to the learned counsels appearing for the employers and the Secretary of the Union of the workmen for the very valuable assistance they rendered to me throughout the hearing.

S. C. DATTA GUPTA,
Tribunal, Industrial Disputes.

Schedule.

	Name.		Address.
	Calcutta.		
1.	Golabari Jute Press	...	244, Upper Chitpur Road, Baghbazar.
2.	Central Hydraulic Press Co., Ltd.	...	243, Upper Chitpur Road, Baghbazar.
	24-Parganas.		
3.	Laudlow and Clarkis Jute Press	...	Durgapur, post office Narkeldanga.
4.	Hooghly Hydraulic Jute Press	...	1, Chitpur Ghat Lane, post office Cossipore.
5.	Calcutta Hydraulic Jute Press	...	9, Kaliprasanna Singh Street, post office Cossipore.
6.	Ashcroft Jute Press	...	7, Dealerjung Road, Chitpore.
7.	Victoria Hydraulic Press	...	3, Gun Foundry Road, Cossipore.
8.	Ralli Brothers, Ltd., Cossipore Agency	...	6, Ramgopal Ghose Road, Cossipore.
9.	Shiva Jute Press	...	4, Kaliprasanna Singh Road, post office Cossipore.
10.	Chitpur Pressing Co., Ltd.	...	15, Kaliprasanna Singh Road, post office Cossipore.
11.	Vishnu Jute Press	...	2, Sukner Road, post office Cossipore.
12.	Ganges Jute Press	...	1, Nawabputty Road, Chitpur, Cossipore.
13.	Lakshmi Jute Press	...	32, Jheel Road, post office Cossipore.
14.	Atlas and Union Jute Presses	...	3, Kaliprasanna Singh Road, Cossipore.
15.	Sur Jute Press	...	3, Cossipore Road, Cossipore.
16.	Suraj Jute Press	...	2, Dealerjung Road, Cossipore.
17 and 19.	Cossipore Hydraulic Jute Press	...	15/A, Ratan Babu Road, Cossipore.
18.	Ocean Jute Press	...	2, Dealerjung Road, Chitpur.
20.	New India Jute Press	...	4, Gun Foundry Road, post office Cossipore.
21.	Reliance Jute Press	...	15, Daspara Road, post office Ultadanga.
22.	Gouti Jute Press	...	5 and 5/1, Gun Foundry Road, Cossipore.
23.	Shree Lohia Jute Press	...	28, Barrackpore Trunk Road, Cossipore.
	Howrah.		
24.	The Ghusuri Jute Press	...	33, Jaya Bibi Lane, post office Ghusury.
25.	Bhagawali Pressing Co., Ltd.	...	121, Jogendra Nath Mukherjee Road, post office Ghusuri.
26.	Salkia Jute Press	...	53, Old Ghusuri Road.
27.	The Empress of India Jute Press	...	54, Ghusuri Road, post office Ghusuri.
28.	The Imperial Jute Press	...	55, Jogendra Nath Mukherjee Road, Ghusuri Road, Salkia.
29.	Bandhaghat Jute Press	...	4-4/9, Hazari Mall Shah Road.
30.	Hanuman Jute Press	...	20, Old Ghusuri Road, Salkia.
31.	Ludlow Jute Press	...	Chengail, post office Chakasi.
	Jalpaiguri.		
32.	Ralli Bros., Ltd Jute Press	...	Post office Jalpaiguri.
33.	R. Guin & Co.'s Jute Press	...	Post office Jalpaiguri.

The 20th May 1948.

S. C. DATTA GUPTA.
Tribunal.

By order of the Governor,
D. S. P. MUKHERJEE,
Jt. Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 28th June 1948.

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The

Calcutta Gazette

Extraordinary

Published by Authority

TUESDAY, JUNE 29, 1948.

PART IIIA—Ordinances promulgated by the Governor of West Bengal under the Government of India Act, 1935.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

West Bengal Ordinance No. VII of 1948.

THE WEST BENGAL JUTE INDUSTRY ESSENTIAL STORES CONTROL ORDINANCE, 1948.

WHEREAS the West Bengal Legislature is not in session and the Governor is satisfied that it is urgently necessary in the public interest to provide for the control of supply and distribution of essential stores for the jute industry in West Bengal and that immediate action should be taken for that purpose;

The Governor is pleased in exercise of the power conferred by sub-section (*1*) of section 88 of the Government of India Act, 1935, to make and promulgate the following Ordinance, namely:— 26 Geo. V C. 2.

Short title, extent and commencement.

1. (*1*) This Ordinance may be called the West Bengal Jute Industry Essential Stores Control Ordinance, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall come into force at once.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

(*a*) "essential store" means any of the classes of stores specified in the Schedule to this Ordinance,

(*b*) "Secretary" means the Secretary to the Government of West Bengal, Department of Commerce, Labour and Industries and includes any officer officiating in this capacity.

Power to amend the Schedule by notification in the *Official Gazette*.

3. The Provincial Government may, by notification in the *official Gazette*, include in or exclude from the list of classes of stores specified in the Schedule to this Ordinance, and thereupon the Schedule shall be deemed to be amended accordingly.

Prohibition of sale and purchase of essential stores except under a license.

4. No person shall sell or otherwise dispose of or purchase or otherwise acquire any essential store, except—

(*a*) under and in accordance with the terms of a license in the form appended to this Ordinance, granted by the Secretary or such other officer as may be appointed in this behalf by him; or

(*b*) in pursuance of a direction given under section 6 of this Ordinance.

The West Bengal Jute Industry Essential Stores Control Ordinance, 1948.

(*Sections 5—11.*)

Application for purchasing stores.

5. Any person desiring to purchase or otherwise acquire any essential store may apply in triplicate in the form appended to this Ordinance to the Secretary or to any officer appointed in this behalf by him.

Direction to sell essential store.

6. Any person, on being directed by the Secretary or any officer appointed in this behalf by him, to sell or otherwise dispose of any essential store, shall comply with such direction.

Submission of returns.

7. Any person on being required so to do by the Secretary or any officer appointed in this behalf by him, shall submit a return in such form as the Secretary or such officer may prescribe giving details of the essential stores in his stock or on order.

Power to require any person to give information, to inspect books and to search.

8. The Secretary or any officer appointed in this behalf by him, may, if he has reason to believe that any person has contravened, is contravening, or is likely to contravene any of the provisions of this Ordinance—

(*a*) require any person to give such information in his possession with respect to any business carried on by that or any other person as he may demand,

(*b*) inspect or cause to be inspected any books or documents belonging to or under the control of any person,

(*c*) enter and search, or authorise a police officer not below the rank of a Sub-Inspector to enter and search, any premises.

Contravention of this Ordinance.

9. If any person with intent to evade the provisions of this Ordinance refuses to give any information lawfully demanded from him under section 8 or conceals, destroys, mutilates or defaces any book or other document, he shall be deemed to have contravened the provisions of this Ordinance.

Penalty and procedure.

10. (*1*) If any person contravenes any of the provisions of this Ordinance, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both, and, any court trying such contravention may, in addition to any punishment to which it may sentence him, direct that the store or stores in respect of which the contravention has been committed shall be forfeited to His Majesty.

(*2*) No court shall take cognizance of any offence punishable under this Ordinance except on the complaint in writing of the Secretary or the officer appointed in this behalf by him.

Rules.

11. The Provincial Government may make rules for carrying out the purposes of this Ordinance.

THE SCHEDULE.

[*See* section 2(*a*).]

List of Essential Stores.

1. Bobbins and Bobbin Ends.
2. Planters Rollers.
3. Swells.
4. Lay Box Backs.
5. Spool.
6. Spiral Sewing Machine Needles.

The West Bengal Jute Industry Essential Stores Control Ordinance, 1948.

(The Schedule.)

7. Martingale Strapping.
8. Picking Straps and Tuggers.
9. Pickers.
10. Cork Covers.
11. Sliver Cans.

PART I.

Form of application from and license to a jute mill for permission to purchase or otherwise acquire any of the essential stores for jute industry.

[*See* sections 4 and 5.]

(To be sent in triplicate to the Secretary, Government of West Bengal, Department of Commerce, Labour and Industries or to the officer appointed by him together with three copies of the orders on the supplying firm for the stores required.)

Name and address of Mill or Factory for which stores are required .....

.....

We hereby certify that the particulars given overleaf are correct and that the stores, if released, will be used in the Mill named above and not sold or otherwise disposed of.

Signature of Mill Manager.

Date.....

Signature of Managing Agent (if any).

Date.....

PART II.

(For the use of Commerce, Labour and Industries Department.)

License No.

Date .....

Item.	Quantity.	Sale price.

I hereby sanction the sale of the quantities of stores shown above.

Secretary to the Government of West Bengal, Commerce, Labour and Industries Department/ Officer appointed by the Secretary.

The West Bengal Jute Industry Essential Stores Control Ordinance, 1948.

(*The Schedule.*)

PART III.

List of essential stores for jute industry.

—	Units.	Quantity applied for in terms of unit in previous column. (Three copies of actual order placed showing the price to be charged must be attached.)	Present stores at Mill and what it represents in monthly consumption (based on 48 hours a week.)
1	2	3	4
1. Bobbins and Bobbin Ends.	Gross ..		
2. Planters Rollers ..	,, .		
3. Swells ..	Piece ..		
4. Lay Box Backs ..	Gross ..		
5. Spool ..	,, ..		
6. Spiral Sewing Machine Needles.	Piece ..		
7. Martingalo Strapping.	Lbs. ..		
8. Picking Straps and Tuggers.	,, ..		
9. Pickers ..	Piece ..		
10. Cork Covers ..	,, ..		
11. Sliver Cans ..	,, ..		

The 25th June, 1948.

KAILAS NATH KATJU,
Governor of West Bengal.

B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 29th June 1948.

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The Calcutta Gazette

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TUESDAY, JUNE 29, 1948

RT I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

o 789A.R.—29th June 1948.—The following ications are published for general informa-

GOVERNMENT HOUSE,
CALCUTTA,
29th June 1948.

Notification.

is Excellency the Governor has been pleased ppoint—

1. Sri Hem Chandra Naskar, and
2. Sri Mohini Mohan Barman

e members of his Council of Ministers.

hey have this day in the forenoon taken the of office accordingly.

By COMMAND,
S. K. MUKHARJI,
Secretary to the Governor of West Bengal.

GOVERNMENT HOUSE,
CALCUTTA,
29th June 19

Notification.

His Excellency the Governor has been plea to make the following modifications in the appoi ments of Hon'ble Ministers to be in charge departments :—

(1) The Hon'ble Sri Nalini Ranjan Sarker be Minister in charge of the Departme of Finance (excluding Excise) and C merce and Industries (including Cincho

(2) The Hon'ble Sri Jadabendra Nath Pa to be Minister in charge of the Dep ment of Agriculture and Veterinary.

(3) The Hon'ble Sri Hem Chandra Naskar t Minister in charge of the Departmen Forests (excluding Cinchona) Fisheries.

(4) The Hon'ble Sri Mohini Mohan Barman be Minister in charge of the Ex Department.

By COMMAND,
S. K. MUKHARJI
Secretary to the Governor of West Beng

By order of the Govern
M. A. T. IYENGAR,
Joint Secy. to the Govt. of West Beng

Printed and published by the Superintendent, Govt. Printing, Bengal, at West Bengal Govt. Press, Alipore, on the 29th June

The

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Extraordinary

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WEDNESDAY, JUNE 30, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATIONS.

No. 790A.R.—30th June 1948.—It is hereby notified that Sri P. D. Himatsingka has, by writing under his hand, addressed to His Excellency the Governor, resigned his seat as a member of the West Bengal Legislative Assembly for the Indian Chamber of Commerce Constituency in the afternoon of the 25th June 1948.

No. 791A.R.—30th June 1948.—In exercise of the power conferred by sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with sub-rule (*1*) of rule 121 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is pleased to fix the 22nd July 1948 as the date before which the Indian Chamber of Commerce Constituency of the West Bengal Legislative Assembly shall elect a member to fill the vacancy caused by the resignation of Sri P. D. Himatsingka, a member elected by the said constituency, when the said constituency is called upon to do so under the said sub-rule.

No. 792A.R.—30th June 1948.—Whereas a vacancy has been caused by the resignation of Sri P. D. Himatsingka of his seat as a member for the Indian Chamber of Commerce Constituency of the West Bengal Legislative Assembly:

Now, therefore, in exercise of the power conferred by sub-rule (*1*) of rule 121 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is hereby pleased to call upon the said Indian Chamber of Commerce Constituency to elect a person for the purpose of filling the vacancy so caused before the 22nd July 1948, which is the date fixed in that behalf by the Governor under notification No. 791A.R., dated the 30th June 1948.

No. 793A.R. -30th June 1948.—In exercise of the power conferred by sub-rule (*2*) of rule 1 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1917, the Governor is hereby pleased to publish the following dates fixed by him under sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with clauses (*a*), (*b*) and (*c*) of sub-rule (*2*) of the said rule for the doing of acts, in connection with the by-election to be held in the Indian Chamber of Commerce Constituency of the West Bengal Legislative Assembly in pursuance of notification No. 792A.R., dated the 30th June 1948, mentioned respectively opposite each such date:—

Date on or before which nominations of candidates are to be made—5th July 1948.

Date on which scrutiny of nominations is to be held 6th July 1948.

Date on or before which candidatures may be withdrawn—7th July 1948.

By order of the Governor

M. A. T. IYENGAR,

Jt. Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Ptg., West Bengal at West Bengal Govt. Press, Alipore, on the 30th June 1948

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATIONS.

No. 7975D.C.S.—23rd June 1948.—In exercise of the powers conferred by paragraph 16 of the Bengal Rationing Order, 1943, the Governor is pleased to make the following amendment in the Calcutta Industrial Area Rationing Regulations, 1943, namely :—

Amendment.

In Schedule "C" to the said Regulations *for* the figures and words "1 seer and 7 chataks in the case of a person who is a heavy manual worker" *substitute* the figures and words "1 seer and 8½ chataks in the case of a person who is a heavy manual worker".

No. 7976D.C.S.—23rd June 1948.—In exercise of the powers conferred by paragraph 16 of the Bengal Rationing Order, 1943, the Governor is pleased to make the following amendment in the Calcutta Industrial (Extended) Area Rationing Regulations, 1944, namely :—

Amendment.

In Schedule "C" to the said Regulations *for* the figures and words "1 seer and 7 chataks in the case of a person who is a heavy manual worker" *substitute* the figures and words "1 seer and 8½ chataks in the case of a person who is a heavy manual worker".

No. 8040D.C.S.—24th June 1948.—In exercise of the powers conferred by paragraph 16 of the Bengal Rationing Order, 1943, the Governor is pleased to make the following amendments in the Darjeeling-Kalimpong-Kurseong Urban Area Rationing Regulations, 1946, namely:—

Amendments.

In Schedule "C" to the said Regulations *for* the figures and words "1 seer and 2 chataks in the case of a person who holds a one-unit Ration Card, 1 seer and 1½ chataks in the case of a person who holds a two-unit Ration Card and is not a heavy manual worker and 1 seer and 7 chataks in the case of a person who is a heavy manual worker" *substitute* the figures and words "1 seer and 2 chataks in the case of a person who holds a one-unit Ration Card and is not a hillman, 1 seer and 1½ chataks in the case of a person who holds a two-unit Ration Card and is not a heavy manual worker or a hillman, 1 seer and 5 chataks in the case of a person who is a hillman and not a heavy manual worker, 1 seer and 8½ chataks in the case of a person who is a heavy manual worker and not a hillman and 1 seer and 12 chataks in the case of a person who is a hillman and a heavy manual worker".

By order of the Governor,
R. S. KRISHNASWAMY,
Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Printing, West Bengal, at West Bengal Govt. Press, Alipore, on the 1st July 1948.

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATIONS.

No. 807A.R.—2nd July 1948.—It is hereby notified that Sri Kamal Krishna Ray has, by writing under his hand, addressed to His Excellency the Governor, resigned his seat as a member of the West Bengal Legislative Assembly for the Bankura East (Rural) General Constituency in the afternoon of the 30th June 1948.

No. 808A.R.—2nd July 1948.—In exercise of the power conferred by sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India Provincial Legislative Assemblies) Order, 1936, read with sub-rule (*1*) of rule 121 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is pleased to fix the 22nd July 1948 as the date before which the Bankura East (Rural) General Constituency of the West Bengal Legislative Assembly shall elect a member to fill the vacancy caused by the resignation of Sri Kamal Krishna Ray, a member deemed to have been elected for the said constituency under the provisions of the India (Provincial Legislatures) Order, 1947, when the said constituency is called upon to do so under the said sub-rule.

No. 809A.R.—2nd July 1948.—Whereas a vacancy has been caused by the resignation of Sri Kamal Krishna Ray of his seat as a member for the Bankura East (Rural) General Constituency of the West Bengal Legislative Assembly:

Now, therefore, in exercise of the power conferred by sub-rule (*1*) of rule 121 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is hereby pleased to call upon the said Bankura East (Rural) General Constituency to elect a person for the purpose of filling the vacancy so caused before the 22nd July 1948, which is the date fixed in that behalf by the Governor under notification No. 808A.R., dated the 2nd July 1948.

No. 810A.R.—2nd July 1948.—In exercise of the power conferred by sub-rule (*2*) of rule 4 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is hereby pleased to publish the following dates fixed by him under sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with clauses (*a*), (*b*) and (*c*) of sub-rule (*2*) of the said rule for the doing of acts, in connection with the by-election to be held in the Bankura East (Rural) General Constituency of the West Bengal Legislative Assembly in pursuance of notification No. 809A.R., dated the 2nd July 1948, mentioned respectively opposite each such date:—

Date on or before which nominations of candidates are to be made—8th July 1948.

Date on which scrutiny of nominations is to be held—9th July 1948.

Date on or before which candidatures may be withdrawn—10th July 1948.

No. 811A.R.—2nd July 1948.—In exercise of the powers conferred by sub-rule (*2*) of rule 4 and sub-rule (*1*) of rule 23 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is pleased to publish the following date which has been fixed by him under sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with clause (*d*) of sub-rule (*2*) of rule 4 of the said rules as the date on which a poll shall, if necessary, be taken, and the following hours which have also been fixed by him under sub-rule (*1*) of rule 23 of the said rules, for polling at the by-election to be held in the Bankura East (Rural) General Constituency of the West Bengal Legislative Assembly in pursuance of notification No. 809A.R., dated the 2nd July 1948:—

Date on which a poll shall, if necessary, be taken.	Hours for polling.	
	Hour at which the poll shall commence.	Hour at which the poll shall close.
18th July 1948 . .	9-30 a.m.	5-30 p.m.

No. 812A.R.—2nd July 1948.—In exercise of the power conferred by sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with sub-rule (*2*) of rule 40 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is pleased to fix the 15th July 1948 as the date on or before which

a presiding officer, polling officer or polling agent or public servant, who, being an elector of the Bankura East (Rural) General Constituency of the West Bengal Legislative Assembly, is duly authorised or appointed for duty at a polling station at which he is not entitled to vote, shall apply to the Returning Officer of the Constituency for a certificate entitling him to vote at that polling station but at no other in connection with the by-election to be held in pursuance of notification No. 809A.R., dated the 2nd July 1948.

No. 813A.R.—2nd July 1948.—In exercise of the power conferred by sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with sub-rule (*1*) of rule 44 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is pleased to fix the 21st July 1948 as the date for the counting of votes at the by-election to be held in the Bankura East (Rural) General Constituency of the West Bengal Legislative Assembly in pursuance of notification No. 809A.R., dated the 2nd July 1948.

By order of the Governor,

M. A. T. IYENGAR,

Jt. Secy. to the Govt. of West Bengal.

COMMERCE, LABOUR AND INDUSTRIES DEPARTMENT.

Commerce.

NOTIFICATION.

No. 2560Com.—30th June 1948.—In exercise the power conferred by sub-section (*1*) of sect 3 of the Essential Supplies (Temporary Powe Act, 1946 (XXIV of 1946), read with clauses ((*e*), (*f*), (*h*), (*i*) and (*j*) of sub-section (*2*) of t notification and with the notification of the Gove ment of India, in the Department of Industr and Supplies, No. 302-PA(73)46, dated December 1946, the Governor is pleased to m the following amendment in the Bengal Pa (Distribution, Licensing and Returns) Ord 1947, namely:—

Amendment.

For sub-paragraph (*2*) of the paragraph 1 of t said order, the following shall be substituted a shall be deemed always to have been substitut namely:—

"(*2*) It shall come into force on the 1st day September 1948."

By order of the Governor

N. M. MAJUMDAR,

Dy. Secy. to the Govt. of West Beng

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 2nd July 1948.

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

COMMERCE, LABOUR AND INDUSTRIES DEPARTMENT.

Labour.

ORDER.

No. 2161Lab.—30th June 1948.—Whereas under the Government of West Bengal, Commerce, Labour and Industries Department Order No. 718Lab., dated the 31st October 1947, the industrial disputes that had arisen or were apprehended in the engineering industry in West Bengal, between the employers of engineering firms specified in the two lists enclosed with the said order, i.e., list No. 1 and list No. 2; those in list No. 1 being represented by the Indian Engineering Association, Royal Exchange, Calcutta, and those in list No. 2 by the Engineering Association of India, 102A, Netaji Subhas Road, Calcutta, and those in the two lists affiliated to both the associations being represented by either or both the associations; and their workmen as represented by the Belur Iron and Steel Workers' Union, C/o Bengal Provincial Trade Union Congress, 249, Bow Bazar Street, Calcutta; the Engineering Workers' Federation, Bengal, C/o the [illegible]ial Branch of the Indian National Trade Congress, 115-E, Dharamtolla Street, Calcutta, the Indian Federation of Labour, 15, Corniture, Calcutta; the Bengal National Chamber of Labour, 51, Chittaranjan Avenue, Calcutta, and other registered trade unions as might have permitted by the Industrial Tribunal hereinafter mentioned to be represented individually for separate reasons, were referred for adjudication to a Tribunal constituted by Sri S. K. Sen, I.C.S., Chairman, and Sri Pushpita Ranjan Mukherjee and Panch Kowrie Sarkar, Additional District Judges, as Members;

and whereas the said Tribunal has given an award in respect of 119 firms mentioned in lists 1, 1(*a*) and 2, incorporated in that award under the heading "Parties to the dispute: A—Employers", as shown in the annexure hereto;

now, therefore, in exercise of the powers conferred by sub-section (*2*) of section 15 read with sub-section (*3*) of section 19 of the Industrial Disputes Act, 1947 (XIV of 1947), the Governor is pleased to make the following order and to direct with reference to section 17 of the said Act that the said award be published in the *Calcutta Gazette*.

The award made by the said Tribunal shall bind the employers of engineering firms concerned and their workmen as specified therein.

The award in so far as it concerns the Bharatia Iron & Steel Company, Ltd., the Venesta, Ltd., the Associated Electrical Industries Manufacturing (India), Ltd., and Messrs. Walford Transport, Limited, and their workmen, shall remain in operation for one year with effect from the dates of expiry of the previous awards enforced in this Department Orders Nos. 385Lab., dated the 28th August 1947, 362Lab., dated the 23rd August 1947, 757Lab., dated the 5th November 1947, and 1853Lab., dated the 5th June 1948, respectively.

As regards the National Carbon Company (India), Ltd., and Messrs. Burn & Co., Ltd., Howrah, and their workmen, the award so far as it deals with the issues other than those decided in the awards published with orders Nos. 191Lab., dated the 6th January 1948, and 835Lab., dated the 19th November 1947, respectively, shall remain in operation for one year with effect from the 1st April 1948, and the issues covered by the said awards as well as by this award shall come into operation on the date on which the issues covered by the previous awards ceased to operate and shall remain in operation till the 31st March 1949;

Regarding all other firms referred to hereinbefore, the award shall remain in operation for one year with effect from the 1st April 1948.

ANNEXURE.

In the matter of an industrial dispute in the Engineering Industry in West Bengal between the employers of engineering firms specified below and their employees as represented by four specified unions and other registered trade unions.

PRESENT:

Chairman.

Sri S. K. Sen, I.C.S.

Members.

Sri P. R. Mukherjee.
Sri P. K. Sarkar.

For the Engineering Associations—

Mr. H. N. Sanyal, Counsel.
Dr. H. G. Waight, Counsel.
Messrs. Khaitan & Co., Solicitors.
Mr. J. J. Rattray, Secretary, Indian Engineering Association.
Dr. J. K. Bose, Labour Adviser, Indian Engineering Association.
Mr. R. D. Vidyarthi, Secretary, Engineering Association of India.
Mr. S. K. Asthana, Labour and Welfare Officer, Engineering Association of India.

For French Motor Company, Ltd., and Walford Transport, Ltd.—

Mr. S. C. Sen, Advocate.

For Hindusthan Development Corporation—

Mr. N. N. Sen, Law Officer.
Mr. E. C. Glas, Chief Engineer.

For Belur Iron and Steel Workers' Union (B.P.T.U.C.)—
Sri Jatindra Chakravorty.
Sri Krishna Ghosh.
Sri Birendra Majumdar.

For Engineering Workers' Federation (B.P.N. T.U.C.)—
Sri Panchanon Bhattacharjee.
Sri Phani Ghosh.
Sri Swadesh Gupta.
Sri Asit Mitter.

For Indian Federation of Labour—
Sri Rajani Mukherjee.

For Bengal National Chamber of Labour—
Mv. M. Shafatullah Khan.

For Iron Factory Workers' Union—
Sri Shibnath Banerjee.

For Bengal Motor & Transport Workers' Union—
Mr. P. K. Sanyal, Advocate.
Mr. Wazid Hassan, General Secretary.

For Walford Transport Workers' Union—
Mr. P. L. Gormanly, V.P.

For T. E. Thompson Union—
Mr. Ajit Dutta, Advocate.

AWARD.

By Government of West Bengal Order No. 716-Lab., dated 31st October 1947, industrial disputes between the employers of the Engineering Firms specified in two lists and their workmen as represented by four specified Unions and other registered Trade Unions, which might be permitted by the Tribunal to appear, were referred to this Tribunal for adjudication.

Parties to the dispute.

A.—Employers.

As already mentioned, the employers of Engineering Firms are specified in two lists annexed to the Government order. The Engineering Firms of list No. 1 are members of the Indian Engineering Association, Royal Exchange, and the Engineering Firms in list No. 2 are members of the Engineering Association of India, 102A, Netaji Subhas Road. In the original order there are 68 Engineering Firms named in list No. 1 and 72 named in list No. 2. The Order itself contains the note that 10 Engineering Firms of list No. 2, viz., items 10, 27, 30, 31, 34, 37, 45, 65, 69 and 72, are also members of the Indian Engineering Association and are accordingly included in list No. 1 also. It has appeared during the hearing that item 64 of list No. 2 and item 37 of list No. 1 are identical. Thus the number of Engineering Firms originally included within the scope of this Tribunal was 129.

The Government of West Bengal by order No. 211Lab., dated 26th January 1948, excluded the Tata Air Craft, Ltd. (item No. 66 of list No. 1), from the scope of the Tribunal. The case of the Bengal Belting Works, Ltd. (item No. 5 of list No. 2), was excluded from the scope of the Tribunal with the consent of both sides by order No. 8, dated 23rd December 1947, in view of the fact that the case of that firm was already before the Textile Tribunal. The case of Messrs. Narayan Engineering (item No. 41 of list No. 2) was excluded from the scope of the Tribunal by an order of the same date, 23rd December 1947, as the firm had been sold out before the Government referred the case to adjudication and the purchaser had started a new company, which has not become a member of either of the two Engineering Associations. The case of Noble Steel Products, Ltd. (item No. 42 of list No. 2), was excluded from the scope of this Tribunal by order No. 9, dated 14th January 1948, on the ground that the workshop of the company is in Bombay Presidency, outside the jurisdiction of this Tribunal. The Victory Engineering Work (item No. 36 of list No. 1) and Sri Hanuman Stee Rolling Mills (item No. 51 of list No. 2) reporte that their Firms had been closed down before th date of the Government order referring the dis pute to this Tribunal. They have not been repre sented before the Tribunal by either of the tw associations or independently. Their cases are als excluded from the scope of the Tribunal. Th Gramophone Co., Ltd. (item No. 62 of list No. 1) and the union of the workers of the Gramophon Company sent letters, dated 3rd December 194 stating that there was no dispute outstandin between the company and the workers. According the case of the Gramophone Company, Ltd., is als excluded from the scope of the Tribunal.

Thus seven of the 129 engineering firms go ou of the scope of this Tribunal. Further, separat awards have been made for three of the engineerin firms, viz., one for the Indian Iron and Steel Com pany, Ltd., and the Indian Standard Wagon Com pany, Ltd. (items Nos. 67 and 68 of list No. 1) and one for the Aluminium Corporation of India Ltd., Jaykaynagar (item No. 1 of list No. 2) There remain, therefore, 119 companies, which will be governed by the award. A full list of these 119 companies is given below:—

(1) *List No. 1—Members of the Indian Engineering Association.*

(1) The Air Conditioning Corporation, Ltd., Office; E2, Clive Buildings, 8, Clive Street, Calcutta.
(2) The Annapurna Metal Works, Office: 3, Ashu Biswas Road, Bhowanipur.
(3) The Calcutta Marine Engineering Co., Ltd., 3, Mangoe Lane, Calcutta.
(4) The Electric Lamp Manufacturers (India), Ltd., Office and Works: 7, Justice Chandra Madhab Road, Calcutta.
(5) The French Motor Car Co., Ltd., 234-3, Lower Circular Road, Calcutta.
(6) The Gobindo Sheet Metal Works and Foundry, Office: 210, Harrison Road, Calcutta.
(7) Messrs. Gresham & Craven (India), Ltd. Messrs. Heatly and Gresham, Ltd., Managing Agents; 4, Mission Row Extension Calcutta.
(8) The Kamala Engineering Works, Ltd. Office and Works: 14, Halsi Bagan Road Calcutta.
(9) Messrs. Mackintosh Burn, Ltd., Messrs Gillanders Arbuthnot & Co., Managing Agents; Office: D2, Clive Buildings, 8, Clive Street, Calcutta.
(10) The Hindusthan Development Corporation, Ltd., Office: 4, Chittaranjan Avenue, Hindusthan Buildings, Calcutta.
(11) Messrs. McGregor & Balfour, Ltd., 11, Clive Street, Calcutta.
(12) The National Carbon Co. (India), Ltd., 28, Pollock Street, Calcutta.
(13) The "Peco" Engineering and Manufacturing Works, Office: 2A, Khasmahal Street, Calcutta.
(14) Messrs. Saxby & Farmer (India), Ltd., Office and Works: 17, Convent Road, Entally.
(15) Messrs. Worthington Simpson, Ltd., 10, Clive Street, Calcutta.
(16) Messrs. Walford Transport, Ltd., 117, Park Street, Calcutta.
(17) The Asbestos Cement, Ltd., Everest House, Garden Reach, Calcutta.
(18) The Associated Electrical Industries Manufacturing Co., Ltd., Office: 6, Mission Row, Calcutta.
(19) Messrs. Braithwaite & Co. (India), Ltd., Office and Works: Clive Works, Hide Road, Kidderpore.
(20) The Braithwaite, Burn & Jessop Construction Co., Ltd., Office: Mercantile Buildings, 9, Lall Bazar Street, Calcutta.

(21) The British India Electric Construction Co., Ltd., Messrs. Balmer, Lawrie & Co., Ltd., Managing Agents, Office: 103, Clive Street, Calcutta.
(22) The Garden Reach Workshops, Ltd., Messrs. Macneill & Co., Managing Agents, Office: 2, Fairlie Place, Calcutta.
(23) The Paharpur Engineering Works, Office: Magnet House, Central Avenue (South), Calcutta.
(24) The Indian Oxygen & Acetylene Co., Ltd., Office and Works: 48, Diamond Harbour Road, Calcutta.
(25) The India General Navigation & Rly. Co., Ltd., Messrs. Kilburn & Co., Managing Agents, Office: 4, Fairlie Place, Calcutta.
(26) Messrs. J. Stone & Co., Ltd., Office and Works: 5, Hide Road, Calcutta.
(27) Messrs. Martin & Co. (Structural Department), Office: 12, Mission Row, Calcutta.
(28) The Metal Box Co. of India, Ltd., Office and Works: B-2, Hide Road, Kidderpore, Calcutta.
(29) Messrs. Parry & Co. Ltd., Parry's Engineering Department, Office: 19, British Indian Street, Calcutta.
(30) Messrs. Robert Hudson (India), Ltd., Messrs. Martin & Co., Managing Agents, Office: 12, Mission Row, Calcutta.
(31) Messrs. T. E. Thompson & Co. Ltd., Office: 9, Esplanade East, Calcutta.
(32) The Bridge & Roof Co. (India), Ltd., Messrs. Balmer, Lawrie & Co., Ltd., Managing Agents, Office: 103, Clive Street, Calcutta.
(33) The Britannia Building & Iron Co., Ltd., Messrs. Holmes, Wilson & Co., Ltd., Managing Agents, Office: Stephen House, 4, Dalhousie Square, Calcutta.
(34) Messrs. Burn & Co., Ltd. (Howrah Iron Works), Messrs, Burn & Co., Managing Agents, Office: 12, Mission Row, Calcutta.
(35) Messrs. R. M. Chatterjee & Sons, Ltd., Office and Works: Sitanath Bose Lane, Salkia, Howrah.
(36) Messrs. D. C. De & Sons, Office and Works: 150, Narsingh Dutta Road, Howrah.
(37) Messrs. Dhang & Co., Office and Foundry: 2, Sreeram Dhang Road, Howrah.
(38) Messrs. Guest, Keen, Williams, Ltd., Office: 7, Council House Street, Calcutta.
(39) The Hooghly Docking and Engineering Co., Ltd., Messrs. Martin & Co., Managing Agents, Office: 12, Mission Row, Calcutta.
(40) The Indian Aluminium Co., Ltd., Office: 5, Council House Street, Calcutta.
(41) The Indian Galvanising Co. (1920), Ltd., Messrs. Balmer, Lawrie & Co., Ltd., Managing Agents, Office: 103, Clive Street, Calcutta.
(42) The Indian Tube Co., Ltd., Office: Victoria House, Esplanade, Calcutta.
(43) The Lloyds Engineering Works, Messrs. B. K. Chatterjee & Co., Managing Agents, Office and Works: 190, Belilios Road, Howrah.
(44) Messrs. A. & J. Main & Co., Ltd., Office: 10, Clive Street, Calcutta.
(45) The Port Engineering Works, Ltd., Messrs. Andrew Yule & Co., Ltd., Managing Agents, Office: 8, Clive Row, Calcutta.
(46) The Shalimar Works, Ltd., Messrs. Turner, Morrison & Co., Ltd., Managing Agents, Office: 6, Lyons Range, Calcutta.
(47) The Aluminium Manufacturing Co., Ltd., Office: 4, Fairlie Place, Calcutta.
(48) The Britannia Engineering Co., Ltd., Messrs. McLeod & Co., Ltd., Managing Agents, Office: 28, Dalhousie Square, Calcutta.
(49) The Chloride Electrical Storage Co. (India), Ltd., Office: 4, Lyons Range, Calcutta.
(50) The Indian Air Survey & Transport, Ltd., Jessore Road, Dum Dum, 24-Parganas.
(51) Messrs. Jessop & Co., Ltd., Office: 93, Clive Street, Calcutta.
(52) The Venesta Factory, Ltd., Messrs, Octavius Steel & Co., Ltd., Managing Agents, Office: 14, Old Court House Street, Calcutta.

List No. 1(a)—Members of both Associations.

(53) The Bharatia Electric Steel Co., Ltd., The Bharatia Electric Steel Co., Ltd., Managing Agents, Office: 42, Shibtolla Street, Calcutta.
(54) The India Electric Works, Ltd., Office and Works: Diamond Harbour Road, Post Office Barisha, 24-Parganas.
(55) The Jay Engineering Works, Ltd., Office and Works: Prince Anwar Shah Road, Post Office Dhakuria.
(56) Messrs. Jas. Alexander & Co., Ltd., Office and Works: 15, Watgunge Street, Kidderpore.
(57) The Bantra Engineering Works, Proprietors, Messrs. D. K. Das & Co., Ltd., Office and Works: 233, Belilios Road, Howrah.
(58) The Hind Machines, Ltd., Office: 7, Clive Row, Calcutta.
(59) The India Machinery Co., Ltd., Office: 30, Strand Road, Calcutta.
(60) The Kushumika Iron Works, Ltd., Office: 3, Maharshi Debendra Road, Calcutta.
(61) The National Iron and Steel Company, Ltd., Office: Stephen House, Dalhousie Square, Calcutta.
(62) Messrs. D. N. Singh & Co., Office: 34A, Badur Bagan Street, Calcutta.
(63) The Steel Equipment and Construction, Ltd., Office and Works: 22, Grand Trunk Road, Lillooah, Howrah.

List No. 2—Members of the Engineering Association of India.

(64) Messrs. Anandram Mahadeo Lal, 137, Canning Street, Calcutta.
(65) Messrs. Agarwal Hardware Works, Ltd., 167, Chittaranjan Avenue, Calcutta.
(66) Messrs. B. M. Singh & Son, 1, Crooked Lane, Calcutta.
(67) The Bengal Electric Lamp Works, Ltd., 190C, Rash Behari Avenue, Calcutta.
(68) The Bengal Metal Works, Ltd., 117, Chittaranjan Avenue, Calcutta.
(69) The Bengal Potteries, Ltd., 45, Tangra Road, Calcutta.
(70) The Bharat Sheet Metal Industries, Ltd., 52, Hindusthan Buidings, 6A, Surendra Nath Banerjee Road, Calcutta 13.
(71) Messrs. Bagri Iron and Steel Co., 40/1, Shibtolla Street, Calcutta.
(72) Messrs. Binani Metal Works, Ltd., 38, Strand Road, Calcutta.
(73) The Bungo Steel Furniture, Ltd., 57, Diamond Harbour Road, Kidderpore, Calcutta.
(74) The Calcutta Electrical Manufacturing Co., Ltd., 100, Netaji Subhas Road, Calcutta.
(75) The Calcutta Expanded Metal Manufacturing Co., P-16, Kalakar Street, Calcutta.
(76) Messrs. Dolohar, Ltd., Bhupen Roy Road, Behala, Calcutta.
(77) Messrs. Duston Engineering Corportion, 4, Clive Ghat Street, Calcutta.
(78) Messrs. Dukhineswar Sarkar & Bros., Ltd., 2, Maharshi Debendra Road, Calcutta.
(79) Messrs. East India Steel Works, 14, Netaji Subhas Road, Calcutta.
(80) The Engineering Works of India, Ltd., 20, Ultadanga Road, Calcutta.
(81) Messrs. Goodman & Co., 30, Netaji Subhas Road, Calcutta.
(82) Messrs. G. T. R. Co., Ltd., 37, Dum Dum Road, Ghugudanga, Calcutta.

(83) Messrs. Harbanslal Malhotra & Sons, Ltd., 11, Netaji Subhas Road, Calcutta.

(84) Messrs. Hazra Engineering Works, 13, Rani Rashmoni Road, Calcutta.

(85) Messrs. Hind Construction, Ltd., 23/24, Radha Bazar Street, Calcutta.

(86) Messrs. Hindusthan Wire and Metal Products, Ltd., 67/74, Stephen House, 4, Dalhousie Square, Calcutta.

(87) The Howrah Trading Co., Ltd., 8, Dalhousie Square, Calcutta.

(88) The India Cycle Manufacturing Co., Ltd., 8, Dalhousie Square, Calcutta.

(89) The Indian Malleable Castings, Ltd., 4, Netaji Subhas Road, Calcutta.

(90) Messrs. Jamnadas Brothers, 195/1, Harrison Road, Calcutta.

(91) Messrs. Jeewanlal (1929), Ltd., 101, Netaji Subhas Road, Calcutta.

(92) Messrs. Krishnalal Thirani & Co., Ltd., 8, Royal Exchange Place, Calcutta.

(93) Messrs. Leipzing Chemical & Engineering Works, 12, 13 and 14/1, Pran Krishna Mukherjee Road, P.O. Cossipore, Calcutta.

(94) Messrs. Mantri Machinery Factory, Ltd., 8, Royal Exchange Place, Calcutta.

(95) The Metal Spraying Products, 119, Royal Exchange Place, Calcutta.

(96) Messrs. Nathmall Giridhari Lal, 22, Burtolla Street, Calcutta.

(97) The National Insulated Cable Co. of India, Ltd., 4, Dalhousie Square, Calcutta.

(98) The National Metal Industries, Ltd., 102A, Netaji Subhas Road, Calcutta.

(99) The National Rolling Mills, Ltd., Stephen House, 4, Dalhousie Square, Calcutta.

(100) The National Screw and Wire Products, Ltd., 4, Dalhousie Square, Calcutta.

(101) Messrs. Orient Safe & Cabinet Manufacturing Co., Ltd., 83, Old China Bazar Street, Calcutta.

(102) Messrs. P. N. Dutt & Co., Ltd., 3A, Raja Kalikrishna Lane, P.O. Hatkhola, Calcutta.

(103) Messrs. Sree Krishna, Ltd., 192, Cross Street, Calcutta.

(104) Messrs Sree Lakshmi Iron & Steel Works, Ltd., P-16, Kalakar Street, Calcutta.

(105) The Steel Products, Ltd., 9, Netaji Subhas Road, Calcutta.

(106) The Swadeshi Industries, Ltd., 100, Netaji Subhas Road, Calcutta.

(107) The Textile Machinery Corporation, Ltd., 8, Royal Exchange Place, Calcutta.

(108) The United Iron and Steel Corporation, Ltd., 9, Clive Row, Calcutta.

(109) Messrs. Usha Bolt & Nut Co., Khandalwal Bhawan, 5, Hans Pukur Lane, Barabazar, Calcutta.

(110) The Victory Engineering Works, 40, Tangra Road, Calcutta.

(111) Messrs. Attas Iron Foundry, 171, Grand Trunk Road (N), Salkia, Howrah.

(112) The Britannia Engineering Works & Foundry, 34-35, Harganj Road, Salkia, Howrah.

(113) Bharat Iron & Steel Corporation, 12, Gopal Ghosh Lane, Salkia, Howrah.

(114) The Castings Corporation (India), Ltd., 45, Madhusudan Pal Chowdhury Lane, Howrah.

(115) Messrs. Jogendra Nath Chatterjee & Sons, 20, Maharshi Debendra Road, Calcutta 7.

(116) The Machine Manufacturing Co., Ltd., Lillooah, Howrah.

(117) The Star Iron Works, Lillooah, Howrah.

(118) Messrs. Thakurdas Sureka, 172, Jogendra Nath Mukehrjee Road, Salkia, Howrah.

(119) Messrs. Metal Press Works, Ltd., 156 Victoria Road, Baranagar, 24-Parganas.

Out of these 119 firms, the French Motor Company, Ltd., and the Walford Transport, Ltd., have filed separate written statements and have been represented by a separate lawyer, but on many points they have agreed to be bound by the general award. The Hindusthan Development Corporation, Ltd., has filed a separate written statement and has argued its case separately on the issues of the minimum basic pay and dearness allowance, but has been represented by the engineering associations on other issues. The two engineering associations, representing all except the two motor companies, have filed one set of written statements and have also been represented by one set of lawyers.

B—Workmen.

The Government order specified four unions as representing the workmen and gave discretion to the Tribunal to permit other registered unions to appear. The four unions specified in the Government order are—

(1) Belur Iron & Steel Workers' Union, c/o Bengal Provincial Trade Union Congress;

(2) The Engineering Workers' Federation Bengal, c/o The Provincial Branch of the Indian National Trade Union Congress;

(3) The Indian Federation of Labour; and

(4) The Bengal National Chamber of Labour

These unions duly appeared and filed their written statements. The Iron Factory Workers' Union Howrah, was another general union permitted by the Tribunal to appear. The following unions of the workmen of particular companies or trades were also permitted to appear:—

(1) Bengal Motor and Transport Union.
(2) Walford Transport Workers' Union.
(3) T. E. Thompson Co. Workers' Union.
(4) Indian Air Survey Employees' Union.
(5) The Venesta Factory Workers' Union.

The general case on behalf of the workmen has been conducted chiefly by the Belur Iron and Steel Workers' Union and the Engineering Workers' Federation. On some of the dates of hearing representatives of the Indian Federation of Labour and the Bengal National Chamber of Labour appeared and took part in conducting the case. The representative of the Iron Factory Workers' Union appeared on a few of the days of hearing only. The Bengal Motor Transport Workers' Union and the Walford Transport Workers' Union argued the special case of the workmen of the French Motor Company and Walford Transport Ltd. T. E. Thompson Co. Employees' Union also argued the particular case of the workers of the company. No separate argument was advanced on behalf of the Indian Air Survey Employees' Union and the Venesta Factory Workers' Union. Their cases have been represented by the Engineering Workers' Federation and the Belur Iron and Steel Workers' Union.

The award will bind the workmen of the 119 companies listed above, such workmen being represented by the unions mentioned.

Issues.

After perusing the written statements filed by the parties and hearing the representatives of the parties, the following issues have been framed in the case :—

(1) Minimum basic pay and scales of pay for highly skilled, skilled, semi-skilled and unskilled workers and for clerical and supervisory staff.

(2) Dearness allowance for such workers.

(2*a*) Linking of wages to minimum production and standard working week.

(3) Classification of workers in different types of industries into the categories unskilled, semi-skilled, skilled and highly skilled.

(4) Conversion of hourly, daily, and weekly rated workers into monthly rated workers.

(5) Abolition or revision of piece-rates.

(6) Free quarters or house rent allowance.

(7) Special allowances demanded for specific workers of specific firms.

(8) Retiring benefits—Provident Fund, gratuity and pension.

(9) Holidays and leave—Festival holidays, statutory leave, privilege leave, sick leave and casual leave.

(10) Conditions of service—

(*a*) Recruitment, contract and sardar system.

(*b*) Probationary period and apprenticeship.

(*c*) Security of service—Rules of retrenchment, dismissal and involuntary unemployment.

(*d*) Promotion.

(*e*) Standing orders.

(*f*) Fines and other punishments.

(11) Working hours and spread over; grace period for late attendance.

(12) Overtime pay—Overtime for night shift workers.

(13) Working conditions and sanitary arrangements in factories.

(14) Medical facilities.

(15) Canteens.

(16) Recreation arrangements.

(17) Provision of uniforms and dresses.

(18) (*i*) Bonus—

(*a*) for past years.

(*b*) for future.

(*ii*) Bonus for increased production.

(19) Recognition of Unions—(*a*) Recognition of Beruck and Comens Labour Union.

(20) Application of the award of this Tribunal to firms which have existing awards binding on them.

Special issues concerning Thompson & Co.

(21) Retrospective effect for dearness allowance from January 1946.

(22) Independence Day bonus.

Special issue concerning Hindusthan Development Corporation, Ltd.

(23) Retrospective effect from 27th September 1946 of the additional dearness allowance granted by the Corporation from 1st January 1947.

Issue No. 1—Minimum basic pay and scales of pay.

We take up first the question of minimum basic pay for the unskilled worker. The Belur Iron and Steel Workers' Union and the Iron Factory Workers' Union have demanded that the minimum basic pay of the unskilled worker should be Rs. 40 per month and that he should also get a dearness allowance of Rs. 45 per month in view of the present level of prices. The Bengal National Chamber of Labour has demanded that the minimum basic pay of the unskilled worker should be Rs. 45 per month and dearness allowance also Rs. 45 per month. The Engineering Workers' Federation has demanded the minimum daily wage of Rs. 2 for the unskilled workers plus dearness allowance of Rs. 45 per month; in case the system of daily wages is abolished and all workers are put on a monthly salary, the demand is that the minimum basic pay of the unskilled worker should be Rs. 50 per month plus dearness allowance as aforesaid. The Central Pay Commission recommended Rs. 55 per month as the minimum total remuneration of the unskilled worker in view of the then prevailing level of prices. In the body of the report, the then prevailing cost of living index was assumed to be 260, but from the correspondence quoted in Appendix C, pages 400-402 of the Central Pay Commission's Report it appears that the actual cost of living index at that time (January 1947) was 285 in round numbers, and the Commission agreed that the recommendation as to total remuneration made in the body of the report should be taken to have been made with reference to the actual cost of living index, viz., 285. The Central Pay Commission divided the total remuneration of Rs. 55 per month into a basic pay of Rs. 30 and a dearness allowance of Rs. 25 per month. The basic pay was fixed at Rs. 30 on the assumption that the prices were likely to stabilise themselves betwen 160 and 175, the basis being August 1939—100. In addition to the basic pay of Rs. 30 per month and the dearness allowance of Rs. 25 per month, the Central Pay Commission recommended a house rent allowance of Rs. 10 in paragraph 78 and a local allowance of Rs. 5 per month in paragraph 84 for Calcutta area. On the basis of Central Pay Commission's Report, therefore, the labour unions might claim a total monthly remuneration of Rs. 70. They have, however, generally demanded Rs. 40 as basic pay, plus Rs. 45 as dearness allowance, plus Rs. 10 as house rent allowance, i.e., Rs. 95 in all. The labour unions have sought to justify the claim for the high basic wages by the following line of argument:—

They have insisted on the principles mentioned in paragraph 44, page 28, of the Central Pay Commission's Report that in no case should a man's pay be less than a living wage, and they have strongly criticised the principle that the Government or the employers should pay so much and so much only to their employees as is necessary to obtain recruits of the required class. For calculation of the living wage, the unions have generally criticised the Pay Commission's method as faulty. They have quoted with approval the observations of Mr. S. N. Guha Roy in his award on the dispute between the Calcutta Tramways Co. and its employees. The contention of the union is that for a correct calculation of the minimum living wage, Dr. Aykroyd's Food Norm should be taken as the basis. Dr. Aykroyd laid down that the minimum standard of daily intake of about 2,600 calories is necessary for an adult worker in India. Dr. Aykroyd also prescribed a balanced standard diet for the unskilled worker which would approximately produce 2,600 calories per day, and he worked out the cost of such standard diet at Rs. 5 to Rs. 6 per month per adult on the basis of pre-war prices, i.e., at the cost of living

index of 100. On the basis that the average workman's family consists of the equivalent of three adult units (a man, his wife and two children), the cost on food alone on the index of 100 would come to Rs. 15 to Rs. 18 per month. Adding 50 per cent. for other expenses and multiplying by 1·6 on the footing that prices will ultimately become stabilised at the index of 160, the figure for basic wages comes to Rs. 36 to Rs. 43·2. For adding 50 per cent. for other expenses, the Unions have relied largely on the observation of Mr. S. N. Guha Roy in the dispute between the Calcutta Tramways Company and their workmen. The first award in the above case was published in the *Calcutta Gazette* of June 5, 1947. At page 1063, Mr. S. N. Guha Roy quoted from the study of Mr. Bhattacharjee of the Statistical Laboratory regarding the proportion of expenditure on food and other items of different classes of people, and Mr. Guha Roy came to the following conclusions, "For all practical purposes, one may take even for a working class family the normal expenditure on food in existing conditions to be about 60 per cent. of the total expenditure; and the rest of the expenditure, excluding the cost of housing which has to be considered separately, as it forms a separate issue, comes to about 30 per cent. This is also the estimate of Professor K. P. Chattopadhya". On this basis (which has been particularly relied upon by the Belur Iron and Steel Workers' Union), the Unions contend that they are justified in demanding Rs. 40 per month as the basic pay, excluding house rent for which there is a separate claim. But the idea of excluding house rent altogether in calculating the basic pay is not a sound one. It is true that in paragraph 78, pages 49-50 of the report, the Central Pay Commission recommended a separate house rent allowance, but this was only for some costly cities like Bombay and Calcutta, and the footnote at page 50 makes it clear that the house rent allowance, is intended to cover the actual rent paid in excess of 10 per cent. of the basic pay. In country places and in small towns, an employee or workman, if he lives in a hired house, has to pay house rent, but he is not entitled to a separate house rent allowance because the basic pay is supposed to include the house rent also, which is normally expected to be 10 per cent. of the basic pay; but in costly places like Bombay and Calcutta, one cannot hire a house for 10 per cent. of one's basic pay; one has to pay from 20 to 25 per cent. or even more of the basic pay and therefore the house rent allowance is paid in such places to compensate for the house rent paid in excess of the 10 per cent. of the basic pay. Accordingly, in our opinion, in calculating the basic pay the normal house rent amounting to 10 per cent. of the basic pay should be taken into consideration. The budgets of working classes as prepared by the Jagatdal Survey include house rent. Accepting the proposition that the normal working class family spends 60 per cent. on food, 30 per cent. on other items and 10 per cent. on house rent, the basic pay should be 1½ times of the ideal expenditure on food. Taking Rs. 5 per month as the pre-war expenditure on food per month per adult, according to Dr. Aykroyd's table and estimate, the expenditure on food for a three unit family would come to Rs. 15 per month; and therefore the basic pay would come to Rs. 25 per month on the pre-war level of prices. Multiplying by 1·6 on the assumption that the prices will stabilise at the index of 160, we arrive at a figure of Rs. 40 per month, which is precisely the basic pay demanded by most of the Unions.

The Unions have sought to strengthen Dr. Aykroyd's table of standard balanced diet by referring to the prescribed diet in the Jail Code for Class III prisoners. It is urged that the expenditure on the standard diet prescribed for the Class III prisoners in the Jail Code will not be less than the standard prescribed in the table of Dr. Aykroyd. Reference has also been made to Dr. Radhakamal Mukherjee's "Indian Working Class". In Chapter XII of the book with the heading "An approach to a national minimum wage", Dr. Mukherjee recommends that the national minimum wage should be fixed at Rs. 30 per month on the pre-war level of prices, but recognising that a sudden introduction of that standard would upset the economic life of the community, because the industry as a whole would be unable to bear the burden, he recommends that Rs. 20 per month should be fixed as the minimum wage to begin with and that gradually the minimum wage should be increased to Rs. 30 per month, allowing intervals to the industry to adjust itself to the various stages of higher wages. Out of the minimum wage of Rs. 30 per month fixed by him as the national minimum wage, Dr. Mukherjee shows the expenditure on physiologically adequate dietary as Rs. 14-4-8, on rent Rs. 3-4 and the balance on other items. Thus, according to him, the expenditure on physiologically adequate food is less than 50 per cent. of the total wage. On the index of 160, the national minimum wage recommended by Dr. Mukherjee comes to Rs. 48 per month, whereas the figure recommended by him for immediate introduction, Rs. 20 per month, comes to Rs. 32 on the index of 160.

In this connection reference should also be made to the Labour Commissioner's estimate made in the 1st quarter of 1947 that Rs. 28-12 should have been the minimum wage paid at the pre-war level of prices. On the index of 160, this comes to Rs. 46 per month. The Labour Commissioner proceeded on the assumption that in the Calcutta Industrial Area each family consists of 4·96 members, equivalent to 4·13 adult units and that each such family contains 1·59 earners. The expenditure per family was calculated as Rs. 42-13-9 per month as follows:—

		Rs.	a.	p.
Food	.. ..	30	15	7
Fuel and light	... ...	2	0	9
Clothing	... ...	2	13	6
House rent	... ...	4	10	9
Miscellaneous	... ...	2	5	2
	Total ...	42	13	9

Divided by 1·59 the expenditure per earner came to Rs. 26-15-4½. Adding one anna in the rupee for Provident Fund contribution, the figure of Rs. 28-12 was obtained. It is clear that the Labour Commissioner's estimate strongly supports the claim of the Union for Rs. 40 per month as basic wage.

The Engineering Associations have strongly opposed the claim of the Unions and they have also criticised the recommendations of the Central Pay Commission as arbitrary. The associations filed a separate written note explaining their point of view on minimum wages and in that note they summarised their position as follows:—

"Prior to 1939 the minimum wage was from Rs. 13 to Rs. 15 per month. This may not have been adequate from all theoretical and humanitarian points of view, but it was certainly adequate from the point of view of essentiality, in that a large number of workers did in fact live on this wage. Taking the present cost of living as 300 as compared with 1939, wages of from Rs. 39 to Rs. 45 per month would afford full compensation for any increase in the cost of living. It is generally agreed that it is desirable in the interest of the country to raise the standard of living of the lower grades and, therefore, it may be desirable to add, say Rs. 5

presetning approximately 12 per cent. to the ove figures, which would result in a minimum age of Rs. 44 to Rs. 49, or say in round figures Rs. 45 to Rs. 50. When considering the oblems of minimum wages it is necessary to ke into account not only cash payments but also her contributions made by the employer. nce 1939, there have been considerable creases on this account in several manners; for stance 10 days' continuous holidays with pay e spread of canteen facilities, the growth of ovident funds, and the increase in medical aid cilities. To these will shortly be added the nefits of the State Sickness Insurance, etc., to ich employers will make a substantial contri-tion. All these have a definite monetary value d are of greater intrinsic value than their mere pee equivalent, in that they do not lead to flationary tendencies in the same way as do re increase in rate of pay. It will be seen, erefore, that if the minimum wages were fixed Rs. 50 per month, not only would labour be mpensated in full for any increase in cost of ing since 1939 (a benefit which is enjoyed by other section of the community), but owing to e general trend towards the provision of eater amenities for the working classes, they ll have benefited to quite a considerable extent addition. The two associations therefore ggest that Rs. 50 per month be regarded as the r minimum wage for an average unskilled rker in this area. This figure would represent overall minimum, that is Rs. 20 as basic wage d Rs. 25 or Rs. 30 as dearness allowance clusive of house rent, etc."

The Engineering Associations have quoted from report of the Labour Investigation Committee pointed by the Government of India to show at the wages of unskilled workers in 1939 varied om ·39 to ·53 rupee per day, the average being 3 rupee per day. This gives the figure of proximately Rs. 12 per month on the basis of 26 rking days. Dr. Radhakamal Mukherjee also his "Indian Working Class" observes at page 3 that the average unskilled worker's wage in lcutta and Industrial suburbs was Rs. 12 per nth immediately before the war. Regarding recommendations of the Central Pay Commis-n, the associations have pointed out that the mmission did not directly work out the minimum ing wage from a dietetic norm, but relied on nions expressed by certain economists and com-tees. The associations have, therefore, urged t the figure of Rs. 55 per month, recommended the Commission as the minimum living wage an unskilled worker in January 1947, is an itrary figure. As to the calculations made by Labour Commissioner, the criticism of the ciations is that the Labour Commissioner ceeded on the basis of the standard balanced recommended by Dr. Aykroyd, the Nutrition pert, and on the standards of clothing, housing, , recommended in the Bombay plan; but the ply of articles of food is short at present and refore it is not at all possible for the working ses to improve their standard of food sub-tially so long as the world food shortage does come to an end; and as to cloth also, the ply of 30 yards per head recommended under Bombay plan must remain an ideal plan, so as cloth cannot be freely obtained in open ket at reasonable prices. Similarly the asso-ions have criticised Dr. Radhakamal kherjee's calculations as laying down an al standard of living, which it is not possible attain under the present conditions of supply foodstuffs, clothing and other necessities of In fact, Dr. Mukherjee himself recognises and therefore recommends that at present 20 per month at the pre-war rates should be minimum aimed at. The associations have ther criticised the assumption of the Labour amissioner that a family consists of 4·96 abers equivalent to 4·13 adult units and also the assumption of Dr. Mukherjee that the family consits of four members equal to three adult units. The associations have laid particular stress on the results of the Jagatdal Inquiry. According to the Jagatdal Inquiry the average number of members per family for all families surveyed was 4·54, and for families in the income group of Rs. 15 to 25, it was 3·26 persons. It is urged that the figures for the families in the income group of Rs. 15 to 25 are alone relevant for the purpose of fixing the minimum basic wage of the unskilled workers; for families with a higher income at the time of the survey which was made in 1940 did not ordinarily belong to the unskilled labour class. The average expenditure per family in the income group of Rs. 15 to 25 was found to be Rs. 20·39. In each such family the average number of earners was found to be 1·29. The expenditure per earner therefore came to Rs. 16·58. Multiplying 16·58 by 3 we get the figure 49·74. Thus assuming that the cost of living has arisen three times since the date of Jagatdal Survey, it is found that Rs. 50 would be sufficient to meet the expenditure of the working class family including the expenditure on house rent which is included within the scope of the Jagatdal budgets.

We should point out, however, that the average expenditure per working class family as found in course of the Jagatdal Inquiry is a picture of conditions which then existed. The working classes had more or less adjusted themselves to their low income and therefore the average expenditure was more or less equal to the average income.

The finding of the Jagatdal Inquiry as to the average expenditure for a working class family is therefore no guide when we are considering the question what the income of the working class family ought to be. The associations have, however, urged that the wages paid should be related to the actual living conditions and not to the ideal standard of living which we may aim at. It has been urged strongly that the minimum wage to be awarded by this tribunal should not be different in any marked degree from current ruling rates of wages. It has been pointed out that the wage fixing authorities in industrially advanced countries, even in a pro-labour country like Australia, have refused to declare a minimum wage differing substantially from the current ruling rates of wages. Dr. Mukherjee has also mentioned this fact in his "Indian Working Class". The associations have relied on the following observations made by Dr. Mukherjee at page 213 of his book: "The minimum wage policy of a country is usually interpreted in the background of the standard of living at present enjoyed by workers in the same region or in similar occupations, and of general economic conditions and the capacity of industry to pay, and is applied in a way to avoid dislocation of industry as well as net reduction in employment. In Australia, for instance, in spite of the fact that the Commonwealth Basic Wage Commission of 1920 adopted a minimum wage rate which satisfied a fair and reasonable standard of comfort of workers, that wage rate was not adopted as the basis for wage awards, since it was considered to be well beyond the capacity of the industry to pay".

The associations have worked out the monthly expenditure of the working class family on the standard that may be possible to attain now in view of the existing supplies of foodstuffs, clothing, etc. Their table of monthly expenditure (at pre-war rates) is as follows:—

		Rs.	a.
Food	... ...	12	14
Fuel and light	... ...	1	8
Clothing	... ...	1	14
House rent	... ...	3	0
Miscellaneous	... ...	1	8
Total	...	19	12

Assuming on the basis of the Jagatdal Survey that the average working class family consists of 3·26 members and there are 1·23 earners in every family, the expenditure per earner comes to Rs. 16-0-9. Multiplying that by 3, it becomes Rs. 48-2-3, and in round numbers the associations recomend Rs. 50.

Another important point raised by the Engineering Associations is that the real wages must depend ultimately on the national dividend, and that at the present time when the supply of consumers' goods is low all the world over, increase of labour wages more than in proportion to the rise in the level of prices must lead to dislocation in distribution or in further inflation. The Central Pay Commission makes the following observations in this connection at pages 30-31: "the application of this minimum wage rule has always been recognised to be subject to the general economy of the country. It may be applied to correct inequalities in the distribution system, but not in disregard of the total production capacity of the country or without reference to the national income..... No system of distribution however meticulously formed will help to raise the standard of living unless production is increased".

We must concede that the associations have, on the whole, made out a strong case, but there are certain points on which we must differ from the associations. Thus the assumption on the basis of the Jagatdal Survey that the average family consists of 3·26 members equal to 2·7 adult units does not seem to be justified. This was the finding of the Jagatdal Survey in the low income group, but it does not follow that this represents the actual average of the working class family in the Calcutta and Industrial area. The Labour Commissioner, Bengal, also proceeded on the basis of some figures collected by his officers and there are other surveys showing that the average size of the working class family is higher. On the whole, therefore, we must accept the basis adopted by the Central Pay Commission that the average family consists of the equivalent of three adult units.

Further as to the argument that the unskilled labourer received only Rs. 13 to 15 per month before the war and cannot, therefore, now claim more than Rs. 39 to Rs. 45 per month, which would just compensate him for the rise in prices, the reply is that the wages prevailing before the war were not adequate and compelled the working class to remain at a very low standard of living. Previously employers generally followed the principle, that they should pay so much only as was necessary to obtain recruits of the class wanted. But in the changing conditions of the country today it is necessary for the employers to accept the principle that in no case should a man's pay be less than the living wage, and a living wage should be interpreted somewhat liberally so as to enable the worker to partake of the standard nutritious diet recommended by experts like Dr. Aykroyd and attain a decent minimum standard of comfort. As to the changed conditions in the country today, we may usefully refer to some observations made by the Central Pay Commission at page 27 of its report:—

"We must also recognise that wage conditions reflect in a large measure the political development at which a community has arrived. It is common knowledge that people in India (as elsewhere) have of late been influenced by the trend towards socialism. Experience of war service and high wages paid during the war have created a ferment and a changed outlook. Classes who were hitherto content to accept their lot now show an intolerance of unsatisfactory conditions of work and an increased desire to improve their standard of living..... The growth of trade unionism in the services is in great measure due to the feeling that they were being ill-paid and exploited. The appointment of this Commission and the prospect of impending political changes have le the services to form vague expectations of a ne order. It is against this background that the claims for enhanced remuneration, for bett treatment and for improved conditions of servi have to be viewed."

These observations were made with reference Government servants, whose case the Central P Commission was chiefly considering, but t observations apply with greater force to t industrial workers, and it is necessary that t employers should take this background into co sideration. At the same time the capacity of t industry to bear the burden cannot be altogeth lost sight of. Reference has already been made the obesrvation of Dr. Mukherjee that the sudd application of an ideal standard of living wage likely to disrupt industry and cause reduction employment by forcing the marginal industri establishments to go out of existence. It therefore, necessary that the minimum wage fix should not be unduly above the current rulin rates of wages.

As to the current ruling rates of wages, t Engineering Associations have furnished us wit a statement of existing basic minimum wages an dearness allowance obtaining in 94 out of 1 firms with which we are concerned. The averag total remuneration paid by these 94 firms comes Rs. 50 per month (including dearness allowance There are 18 firms paying a total remuneration Rs. 40 or below and there are 16 firms payin a total remuneration above Rs. 60. But there a just 47 companies paying Rs. 50 per month less and 47 companies paying a total remuner tion above Rs. 50. It is, therefore, clear th Rs. 50 per month is the present ruling ra including dearness allowance in the industri concerns with which we are now concerned. Th associations have pointed out that some of the firm paying wages above Rs. 60 are paying them as th result of previous awards, and that if these firm are left out of consideration, the average woul come down to a lower figure. But the number firms which have had their total remuneratio enhanced by means of awards are comparatively small, and if they are left out, they would on make a difference of Re. 1 or Rs. 2 in the averag for the whole industry. On the whole, therefo Rs. 50 per month may be taken to be the preva ing wage rate at present including dearne allowance; and accordingly, we may reasonab expect the industry as a whole to bear the burd of Rs. 55 per month (total remuneration) out which Rs. 30 would be the basic pay as recom mended by the Central Pay Commission. Rup 40 may be the ideal basic pay under the prese conditions, but as pointed out by Dr. Mukherje we must approach the ideal minimum wa gradually in order to avoid dislocation in t industry, which would result in a net reducti in employment. By fixing the minimum at Rs. per month, we are increasing the average wag by Rs. 5 or Rs. 6 per month, and in our consider opinion this is as much as the industry can expected to bear at present, when the industry passing through difficult times owing to sh supply of steel and other raw materials.

For the unskilled worker, therefore, we fix minimum basic wage at Rs. 30 per month Re. 1-2-6 per day.

Next there is the question of minimum ba pay for the semi-skilled, skilled and hig skilled workers. The Belur Iron and S Workers' Union has demanded the follow minimum basic pay for these categories workers:—

	Rs.
Semi-skilled ...	60 per mon
Skilled ...	80 "
Highly skilled ...	100 "

The other Unions have placed more or less simi demands. The minimum pay claimed for

semi-skilled worker is thus 50 per cent. higher than that for the unskilled worker, while the minimum pay claimed for the skilled worker is double of that claimed for the unskilled. The Engineering Associations have stoutly contended that the minimum pay for the semi-skilled and the skilled worker cannot be fixed in that way, and they have referred to the following observations in the Central Pay Commission's Report at page 125:— "Different proportions have been suggested as rough standards for differentiating between the workers of the different grades. Some have suggested that the semi-skilled workers must have a remuneration 20 to 50 per cent. above that of the unskilled workers and that skilled workers should be paid twice to thrice the remuneration of the unskilled worker. We are not persuaded that it will be possible or desirable to adopt any such fixed proportion".

The minimum pay for the semi-skilled, skilled and highly skilled workmen cannot be fixed in any fixed proportion of the pay of the unskilled worker, because we are dealing with a large number of different types of industries, and the relative value of the different categories of workers must vary from industry to industry according to the degree of technical skill required of the different workers of the particular industry and also to a certain extent on the nature of the finished product of that industry. The Central Pay Commission fixed different minimums for the skilled workers for different industries or Government departments doing industrial work. For the Mint workers, the minimum pays recommended for the semi-skilled, skilled and highly skilled worker are respectively Rs. 35, Rs. 40 and Rs. 90 (page 170 of the report). For workers of the Central P.W.D. the minimum pays recommended for these categories are respectively Rs. 35, Rs. 60 and Rs. 120 (page 309 of the report). For Government Railway Workshops, the minimum pays fixed for these categories are respectively Rs. 35, Rs. 55 and Rs. 90.

Another objection is that even if a minimum pay were fixed for these categories, there would be difficulty in applying the minimum in practice. There is no standardisation of occupational descriptions at present, whether in the engineering or in any other industry. A man described in the same way, e.g., as a fitter or a turner, may be doing work requiring widely varying degrees of technical skill and may be placed in different categories—semi-skilled, skilled or highly skilled—in different firms; these firms would naturally apply different minimums to the men described in the same way. This might lead to fresh disputes between the employers and the employees. If all the jobs in the firms subject to this award could be classified by this tribunal into the categories, the difficulty could be solved; but as explained subsequently when dealing with issue No. 3, this tribunal is not in a position to undertake that task and must leave it to be done by a committee of experts.

Further, a job described in the same way may fall in several categories even in the same firm. A fitter or a turner may begin on a daily pay of Re. 1-4, when he is a semi-skilled worker, and he may gradually rise to higher grades till he draws a daily pay of Rs. 3-8, when he is a skilled or highly skilled worker. The line at which he ceases to be semi-skilled and becomes a skilled worker must depend in the last resort upon trade tests, but recognised trade tests are not yet in general use in this country, and it is not possible that the tribunal should define the line of demarcation. So if we were to fix the minimum daily wage of the skilled worker at Rs. 2-2, for instance, the employer might say that the fitter or the turner remains a semi-skilled worker until he reaches the stage at which the employer allows him Rs. 2-2 per day, and thus the fixation of the minimum pay for the skilled category would bring no benefit to the worker. It is true that in a few industrial establishments the jobs are classified into the categories—semi-skilled, skilled and highly skilled; but in the majority they are not so classified. The Central Pay Commission has suggested (page 125) that each important industrial establishment might constitute a Board of three of its officers to determine the class in which each worker might be placed. This would be a proper step if we were required to fix the minimum pay for a single industrial establishment. In order to be able to fix a minimum pay for the engineering industry as a whole, we must first have a standardisation of job descriptions and classification of jobs over the whole field covered by the various types of engineering industry.

The difficulties detailed above have been stressed by the Engineering Associations in support of their contention that we should not attempt to fix the minimum basic pay for the categories semi-skilled, skilled and highly skilled, and that we should be content to fix the minimum basic wage for the unskilled worker, i.e., the minimum living wage. It is urged that in countries like Australia, wage-boards fix only one minimum wage and do not attempt to fix the minimums which should be allowed to the skilled workmen; this is left to be fixed by the industry according to the law of supply and demand.

The Unions have urged however that in countries like Australia, the Unions are in a strong position and can easily ensure that the skilled men get sufficient wages, but that in India the Unions of workmen have not yet attained that strength. They have given instances to show that in many firms the semi-skilled worker is given the same wage as the unskilled worker, or a wage which is only a shade higher. Instances of low pay given to skilled workers in some firms have also been given. So far as the semi-skilled worker is concerned as distinguished from the skilled and the highly skilled worker, we think that is possible to fix his minimum pay. The difficulties we have detailed in the preceding paragraphs apply chiefly to the skilled and the highly skilled categories; thus it is difficult to draw the line between the skilled and the semi-skilled and between the highly skilled and the skilled; and the technical skill required of the skilled and the highly skilled differ from one kind of establishment to another. So far as the semi-skilled workers are concerned, there is no marked difference between them from firm to firm. Thus the Central Pay Commission has recommended the same minimum basic pay of Rs. 35 per month for semi-skilled workers of different establishments, in the illustrations already given and in other cases. Moreover, between the unskilled worker on the one hand, and the semi-skilled, skilled and highly skilled on the other, there is a well-recognised distinction. Persons of whom only physical or manual labour, not requiring any intelligence, training or experience, is expected, may be classed as unskilled labour, while any person working on or with the aid of a machine belongs to the skilled class; semi-skilled, skilled and highly skilled belong to the skilled class for the purpose of this definition. (Central Pay Commission's report, page 124.) There may be jobs performed without the aid of a machine but which require intelligence and training; such jobs would no doubt belong to the skilled class. But without attempting a more precise definition, we may observe that the distinction between an unskilled worker and a worker of the skilled class is one which every one appreciates. The semi-skilled worker may be considered to occupy the lowest rung of the skilled class, and hence there can be no objection to the fixing of the minimum pay of the semi-skilled workers. The skilled and the highly skilled workers are generally in such demand that they may be left to take care of themselves to some extent; but the semi-skilled worker cannot if left to

himself obtain reasonable terms from his employer; several firms pay him the same wage as they pay to the unskilled worker. We consider it desirable therefore to fix the minimum basic wage of the semi-skilled worker. We accept the recommendation of the Central Pay Commission as to the minimum basic wage of the semi-skilled worker as fair. Accordingly we fix the minimum basic wage of the semi-skilled worker as Rs. 35 per month, or Rs. 1-5-6 per day in the case of the daily rated workers.

The Labour Unions have urged that if we do not fix the minimum basic pay of the skilled and the highly skilled workers, we should direct proportionate increase of pay for such workers. It is however not possible to give any such direction. It may be that in a particular firm the total present remuneration of an unskilled worker is Rs. 26 per month; in his case our award will raise the remuneration to more than double. But it does not follow that the skilled or the highly skilled worker is also being paid so low in that firm as to require that his pay too should be more than doubled. For a similar reason the alternative suggestion that there should be a flat increase in the pay of the skilled and the unskilled worker of each firm by the amount by which the pay of the unskilled worker is raised in that firm, does not also commend itself to us. We can only direct that suitable increase should be given in the pay of the skilled and the highly skilled workers by the employers in view of the increase in the pay of the unskilled or semi-skilled workers, in consultation with the workers concerned, just after the publication of the award of this tribunal. In the last resort, the pay of the skilled and the highly skilled workers may be fixed by adjudication after some standardisation of occupational descriptions has been made and some progress towards the classification of workers into different categories has been achieved.

Next, there is the question of scales of pay for workers of various categories. The labour Unions have suggested scales of pay for workers of all categories. The Belur Iron and Steel Workers' Union has, following the report of the Central Pay Commission, suggested several scales (more liberal than the Pay Commission's scales) for each category. But for the skilled and highly skilled categories, since we are not fixing the minimum basic pay, the question of fixing scales of pay does not arise. The Engineering Associations have strongly opposed our fixing scales of pay even for the semi-skilled and unskilled workers. They have stated that a system of periodic increment of pay is not usual in the engineering industry. Reference has been made to an observation contained in Mr. Nanavati's award in the dispute between the Bombay Electric Corporation and its workers, that automatic increase of pay with length of service is not suited to industry. Dr. Radhakamal Mukherji in his book "Indian Working Class", page 67, mentions that even in other countries, the principle of a fixed rate for a fixed job obtains. At page 69 of his book he pictures the ideal conditions, viz., a graded scale for each job, with initial and maximum wage rates, providing for periodical increments for a short period. He observes however that this ideal can be reached only after jobs have been standardised and classified.

We must find that the time has not come yet to translate the ideal into practice. In the case of the semi-skilled workers, though we have fixed the minimum basic pay, we do not consider it possible to fix a scale of pay or even several scales of pay. There is a large variety of semi-skilled jobs in the different industries. We have no means of assessing the money value of the jobs; and no complete picture of the existing pay scales of workers of this category is before us. It is no use laying down certain scales of pay in the abstract as ideal without relating them to existing facts. Regarding unskilled workers, we may refer to the observation of the Central Pay Commission at pages 37-38 of its report—"If the kind of work on which an unskilled employee starts is such that by working at it for a number of years he improves in efficiency and in the nature and quality of his work, the proper thing will be to promote him to higher scales in due course as a semi-skilled and skilled worker. If on the other hand, the work is of a kind which does not improve in quality by lapse of time, e.g., crude labour or mere attendance, there will be no justification from the public point of view for paying much higher wages for such work. The granting of increments has a two-fold significance, one from the point of view of the employee, namely, as he grows in age he has greater responsibilities to meet, and another from the employer's point of view, namely, that even when a man continues in the same grade, his work improves in quality and his efficiency also increases as the result of his experience. In the illustrations last given, the second ground is absent." We should add that even the first ground is not a strong ground for justifying a time scale for the unskilled worker, for in his case we provide from the beginning a living wage for a family equivalent to three adult units. The fact that we have been induced, by considerations of the prevailing wage rate and the capacity of the industry to pay, to fix a lower minimum wage than we might otherwise have done, is no doubt an argument in favour of a short time scale. But since we are not fixing a time scale for the semi-skilled category or any other category of factory worker, we feel that it would be incongruous to fix a time scale for the unskilled worker. In most of the engineering industries in India, many grades of pay at short intervals are provided, and a worker is promoted from one grade to another as and when he improves in skill and efficiency. This system should be retained for the present. We would recommend also that between Rs. 1-2-6, the minimum daily wage fixed for the unskilled worker, and Rs. 1-5-6, the minimum daily wage fixed for the semi-skilled worker, two grades of pay at Rs. 1-3-6 and Rs. 1-4-6 should be introduced, and these grades should go by promotion to unskilled workers who may show efficiency. We should make it clear however that a semi-skilled worker should not be put in any grade below Rs. 1-5-6 per day, even when he is on probation.

Next we take up the case of the subordinate staff, viz., peons and darwans. We may also consider the case of drivers at the same time. For peons we recommend the grade Rs. 25—1—40 and for darwans the grade Rs. 30—1—45. The unskilled worker frequently gets a chance of promotion to the semi-skilled and then to the skilled category, but the peon and the darwan have no chance of rising higher, and it is therefore necessary to provide them with a comparatively long time scale. For drivers of cars, we would fix a minimum pay of Rs. 55 per month, and for drivers of lorries, trucks and buses, Rs. 60 per month. The scale of the driver's pay would depend on the intensity of the work and spreadover of the work period which vary from one firm to another and therefore we do not fix a time scale in these cases, but leave it to the employer or to negotiation between the employer and the workmen to fix the proper scales of pay.

Next, there is the question of clerical staff both of the factory and of the head office of the companies concerned. In this connection we may mention that the clerical staff of Jessop and Company has been exempted from the operation of the award of the Tribunal, as their case represented by Jessop & Co. Employees' Union, has been included in the general Tribunal for mercantile firms. The clerical staff of other companies have not obtained exemption from the operation of the

ard of this Tribunal and accordingly this Tribunal will bind the clerical staff of other companies.

In the case of the clerical staff we propose to the lowest scales only, leaving the pay of the per grade clerks to be settled by negotiation. he Bengal Chamber of Commerce has proposed e scale of Rs. 60—2—90 and Rs. 60—4—124 for n-graduate and graduate office clerks and the pay Rs. 55 for non-matric and out-door clerks like lly clerks. In the case of out-door and non-triculate clerks and in the case of non-graduate rks, we accept the minimums proposed by the ngal Chamber of Commerce, but propose some riation in the scale. In the case of graduate rks we think that the starting pay should be 70 instead of Rs. 60. Accordingly three scales lower grade clerks are fixed as follows:—

For non-matriculate or out-door clerks like tally clerks—Rs. 55—2½—80.
For matriculate but non-graduate office clerks —Rs. 60—2½—90.
For graduate clerks—Rs. 70—4—130.

The existing clerks of the lower grade, when wing pay on a scale lower than the scales proed, should be fitted into the above scales as lows: The starting salary should be given in cases and in addition one increment should be en for each three years of service put in, proed that the pay fixed should not be less favoure than the stage in the proposed time scale above the pay that the clerk is now drawing.

n the case of the upper grade clerks, the ques-n of adjustment of their pay is left to negotia-n between the employers and the employees cerned. It is not possible for us to fix suitable les for the upper grade clerks, as their pay differs m Company to Company, and the scales of pay aining in each separate Company has not been ced before us.

For the Supervisory or Works Staff, we fix the est grade as Rs. 65—4—105; and existing mems of the supervisory staff when they are drawr lower pay should be fitted into the proposed ide as in the case of the clerical staff. The her grades for supervisory staff will be retained l will be adjusted by negotiation between comies and the employees concerned for in their case we have no complete picture of existing pay des of the different companies before us, and it therefore, not possible for us to fix the higher des and scales of pay.

ue No. 2—Dearness allowance for such workers.

ll the Unions have claimed the minimum rness allowance of Rs. 45 per month. We have icated already when dealing with issue No. 1 for the lowest paid worker, we do not propose to go higher than Rs. 25 per month. It is, however, necessary that the arguments of the Unions and the reasons for our decision should be noted briefly. We have also to consider the dearness allowance for workers above the minimum pay. The Unions contend that dearness allowance should be adjusted from time to time according to the cost of living index and they have urged that since January 1947 when the Central Pay Commission fixed their scales of basic pay and dearness allowance, the cost of living index has gone up by 80 points, being about 340 against 260 at the time of the Central Pay Commission's recommendations, and therefore on the basis of the Central Pay Commission's report itself, the workers are entitled to the extra dearness allowance of Rs. 5 for every 20 points' rise, i.e., Rs. 25 plus Rs. 20 or Rs. 45, which is the amount claimed by the Union. It does not, however, appear that the cost of living index for the working classes in the Calcutta area and its suburbs has gone up by 80 points since January 1947. From the Labour Commissioner's Office it appears that the cost of living index for the working classes for Calcutta Industrial area in March 1948 was 311. This index was 298 in February 1948 after having risen to 328 in December 1947. We may, therefore, reasonably take 310 as the cost of living index at the present time. Further the Central Pay Commission made its recommendation at a time when the cost of living index was 285 and not 260. This is clear by a reference to the correspondence quoted in Appendix C of the report of the Central Pay Commission. Thus the cost of living index has risen only by 25 points, which might justify a rise in the dearness allowance by Rs. 5. Thus the dearness allowance for the lowest paid worker might be fixed at Rs. 30 per month. But the ability of the industry to bear the burden has also to be considered. When dealing with Issue No. 1, it has been sufficiently pointed out that if the total remuneration is fixed at a point substantially higher than the prevailing rate of wages in the industry, there is likely to be dislocation of the industry by the marginal firms going out of existence and this will increase unemployment and therefore increase the suffering of the working class.

For the Unions it has been urged that many of the Companies are actually paying Rs. 30 or more as dearness allowance and some are paying even Rs. 37 or more per month, as would appear from the statement of basic wages and dearness allowance filed for 94 Companies by the two Engineering Associations. Reference has also been made by the Unions to the Bengal Chamber of Commerce Circular on dearness allowance. The Bengal Chamber of Commerce recommended that dearness allowance for clerical and other staff be regulated by the following table:—

Dearness allowance to clerical staff.

249 and under:

dex Group.	180 and below.	181 to 190	191 to 200	201 to 210	211 to 220	221 to 230	231 to 240	241 to 250	251 to 260	261 to 270	271 to 280	281 to 290	291 to 300	301 to 310
hly on first 100 of salary.	Nil	5%	10%	15%	20%	25%	30%	35%	40%	45%	50%	55%	60%	65%
ct to minimum	..	Rs. 4	Rs. 7	Rs. 10	Rs. 13	Rs. 16	Rs. 19	Rs. 22	Rs. 25	Rs. 28	Rs. 31	Rs. 34	Rs. 37	Rs. 40
plus hly on second 100.	..	2½%	5%	7½%	10%	12½%	15%	17½%	20%	22½%	25%	27½%	30%	32½%
plus hly on the aunder of ry.	..	1%	2½%	4%	5%	6%	7½%	9%	10%	11%	12½%	14%	15%	16½%

It will be seen that for the cost of living index up to 260, the minimum dearness allowance recommended is Rs. 25, but for cost of living index between 291 and 300, the minimum dearness allowance recommended is Rs. 37 and when the cost of living index is between 300 to 310, the minimum dearness allowance recommended is Rs. 40. At that stage, viz., for the living index from 301 to 310, the Chamber of Commerce recommends 65 per cent. on the first Rs. 100 of salary, 32½ per cent. on the second Rs. 100 and 16¼ per cent. on the remainder of the salary.

It is true that many of the members of the Chamber of Commerce are giving Dearness Allowance to their clerical staff on this scale, but this scale appears to us to be unduly liberal for the higher index groups. It proceeds under the misapprehension of the Central Pay Commission's report that the minimum dearness allowance of Rs. 25 per month was recommended for a living index at 260, whereas Appendix C would show that the minimum dearness allowance of Rs. 25 was recommended for the living index of 285. Accordingly we do not think it necessary to accept the Bengal Chamber of Commerce's Circular as to the rates of dearness allowance. Moreover it is not a circular intended to be applied to the workmen of the factories, and the industry, in our opinion, would simply be unable to bear the burden of such a scale of dearness allowance. If we were dealing with the more prosperous firms only, we might adopt the minimum dearness allowance of Rs. 30 per month, but in view of the fact that 18 firms are paying a total remuneration ranging from Rs. 25 to Rs. 40 and 29 other firms are paying a total remuneration ranging from Rs. 40 to Rs. 50, we consider that by fixing a total remuneration at Rs. 60 per month for the unskilled worker, we would be putting such a heavy burden on the industry, as would compel the less prosperous firms to go out of existence, thus increasing unemployment. We, therefore, decide to fix the total remuneration at Rs. 55 per month, keeping the minimum dearness allowance at Rs. 25 per month.

We consider, however, that there should not be a flat rate of dearness allowance for all categories of workmen, even in the factories. People drawing a higher basic pay are entitled to a comparatively higher dearness allowance to compensate them partly for the rise in the cost of living. Moreover by giving a graduated scale of dearness allowance, we would be giving a substantial relief to the employees getting more than the minimum fixed, whose pay we are not directly increasing. But we think that Rs. 50 per month should be the maximum dearness allowance paid. Accordingly we recommend dearness allowance at the following scale:—

Pay Range.	Dearness allowance.
	Rs.
Up to Rs. 50	25
From Rs. 51 to Rs. 100	35
From Rs. 101 to Rs. 150	40
From Rs. 151 to Rs. 200	45
Rupees 201 and above	50

This scale of dearness allowance will apply to all categories of workers, viz., factory workmen, clerical staff, supervisory staff and subordinate staff.

Issue No. 2.—(a) Linking of wages to minimum production and standard working week.

The Engineering Associations in their joint written statement filed on 27th January 1948 raised this issue. At page 25, they said as follows:—

"Employers concerned in this dispute consider it to be of the most vital importance that any increase in wages or other amenities which the Tribunal may grant should be closely linke a higher standard of production from

.....

The industry realises that it is very difficult Tribunal such as this to give an award o subject which will be in any real way bindi the workers, but they would request the Tr specifically to recognise the right of employ introduce any measure which they co desirable to secure a fair day's work for fair w Otherwise, an increase in wages may bring a further drop in production.....

They said also that firms which were at p working less than 48 hours per week, wh prescribed under the Factories Act, shou authorised to increase their working hours t level permitted by the Factories Act wi increasing the wages paid to labour as laid by the Tribunal.

As to the first point, the only concrete sugg made by the Association of linking wages minimum standard production is that the which have a system of production bonus, sh be permitted to include the production bonu standard production within the minimum wages fixed. Supposing the production bonu standard production comes to Rs. 2-8 per n per worker, it is suggested that the basic pa the worker should be Rs. 27-8, plus Rs. 2- production bonus, so that including the produ bonus, the basic wage comes to the minimum down. It is, however, admitted that only a of the firms have got a system of production b and even these firms have not given us detai to the method of calculating production b For a scheme of production bonus, it is nece that experts should be appointed for each sepa type of manufacturing industry to work standard production and to work out the contr tion of each worker to such standard produc and thus evolve a system of production bonus. does not appear that this has been done for industry in general. Further, there are n concerns dealing with repairs only; it is diff to see how any system of production bonus ca worked out for such concerns. It is u strongly by the Labour Unions that the minim wage should be independently fixed and should be linked up with production up to the requ standard. We must accept the contention of Unions, if only for the reason that at present system of production bonus obtains in only a of the companies with which we are concern and the few companies having a system of prod tion bonus produced no details of their sys before us. Moreover it would be inequitable only some firms were allowed to include bonus standard production within the minimum b wages fixed. Hence we reject this claim made the Associations.

As to the second point, the minimum wages fixed for the unskilled worker by the Tribuna expected to be for the standard working week 48 hours as permitted under the Factories A If firms work for less than this, they must s pay the minimum wages fixed, but there would no objection to their increasing the working ho to the level permitted by the Factories Act.

Issue No. 3.—Classification of workers into categories—unskilled, semi-skilled, skilled highly skilled.

While classification of the workers into different categories is of very great importance the purpose of fixing basic pay and scales of pay different categories of workers, there are at pres very great difficulties in the way of attempting s a classification. In this connection we may re to B. P. Adarkar's report (Labour Investigat Committee) at pages 4 and 5. Mr. Adark observes as follows:—"One of the biggest proble in the Engineering Industry, as well as in textil is the absence of uniform terminology for

various occupations which it comprises. Terms like 'fitter', 'moulder', 'mistry', 'machineman', 'khalasi', etc., have scores of different connotations in different parts of the country and sometimes even in the same centre. Not only this, but even if a man is called by one name, he may be doing the work appropriate to several other categories, and on the same day he may work in different processes in a concern.....

.....The representatives of engineering workers complained that owing to lack of standardization of terms, it was possible for an employer to pay wages according to his inclination, and also to require workers engaged on one job to take up work rightly belonging to another category.....It is clear that the question of standardization of wages hinges upon a correct solution of the problem of standardization of occupational nomenclature." It appears from the report of Mr. Adarkar that the Government of India once set up Committees for standardization of occupational terms, fixation of standard basic wages, etc. But the work had to be suspended because of some difficulties. Mr. Adarkar observes that the problem should be tackled effectively, but to do this might take several years. The Main Report of the Labour Investigation Committee at page 368 has also stressed the importance of standardization of occupational nomenclature and wages. Dr. Radhakamal Mukherjee in his book "The Indian Working Class" has also touched upon this question. At pages 68 and 69 he observes that all industries should effect a standardization of categories and jobs to avoid disparity of remuneration for similar class of work. The Engineering Associations have given a chart showing how workmen described in the same terms are treated on widely different footings by different concerns. It will be sufficient to give a quotation for only one category, viz., fitter. Thus a workman known as fitter is placed in the categories and paid basic wages shown below by the various firms:—

	Name of Firm.	Catogory.	Basic wages.
1.	Braithwaite, Burn & Jessop	"A Class" skilled ..	Rs. 32-8 to Rs. 65 per month.
2.	Air Conditioning Corporation	Semi-skilled ..	Rs. 39 to Rs. 52 per month.
3.	Asbestos Cement, Ltd.	Skilled ..	Rs. 45-8 to Rs. 74-12 per month.
4.	Lloyds' Engineering Works, Ltd. ..	Semi-skilled ..	Rs. 45-8 to Rs. 56-14 per month.
5.	Port Engineering Works (Workshop) ..	Highly skilled ..	Rs. 84-4 per month.
6.	General Electric Co., Ltd.	Partly skilled ..	Rs. 42 to Rs. 49 per month.
7.	Electric Lamp Manufacturers	Semi-skilled ..	Rs. 65 per month.
8.	Burn & Co., Ltd.	Highly skilled ..	Rs. 53 to Rs. 85-8 approx.

Moreover in this Major Tribunal we are concerned not with one kind of Engineering Industry, but with many types of industry, e.g., iron and steel foundry, structural, mechanical, electrical and marine engineering, motor engineering, manufacture of machine tools and hardware utensils, and non-ferrous metal engineering and manufacture of non-ferrous metal utensils. It will be very difficult to standardise jobs and their nomenclature over so many different kinds of industry. In a single Company it would be possible to make a rough and ready division of workers into the categories, unskilled, semi-skilled, skilled and highly skilled. But even if we were to confine our attention to one individual Company, differences of opinion would be likely to arise regarding classification of particular workers, which would be difficult for us to resolve without the assistance of an expert assessor.

The Engineering Associations have consistently pressed the view that we should not, in view of the difficulties mentioned, attempt to make any classification of workers in different types of industries into the categories mentioned. The Unions have ultimately agreed that we should not attempt to make such classification, but they have pressed that we should recommend strongly to the Government that a Committee of Experts should be appointed to go into the question at an early date, and enquire into and report on the standardization of occupational terms and classification of workers into the categories unskilled, semi-skilled, skilled and highly skilled. We accept this demand and we recommend to the Government that a Committee of Experts should be appointed at an early date to go into this question; and we make no attempt at classification of the workers of different industries into categories.

Issue No. 4.—Conversion of hourly, daily and weekly-rated workers into monthly-rated workers.

Factory workers all over the world are hourly or daily-rated, but weekly paid as a general rule. Section 4 of the Payment of Wages Act provides that employers shall fix periods in respect of which wages shall be paid and that no wage period should exceed one month. Thus the employers have the right of fixing a week as the wage period. That would not, of course, prevent the Tribunal from laying down that a month should be fixed as the wage period, if such a decision were necessary to resolve an industrial dispute. But to make such an award would introduce difficulties, because the system of weekly payment has been recognised in the latest Labour Welfare Act of the Central Government, viz., the Employees' State Insurance Act of 1948, which contemplates weekly wages and payment of weekly contributions by both the employers and the employees into the Insurance Fund. Moreover we are not satisfied that there is really any dispute over the wage period. The Central Pay Commission in paragraph 227 of its report refers to the criticism that the daily-rated system has been subjected to. The system has been criticised because of an element of uncertainty of service and absence of leave and other privileges. The Commission observes that much of the criticism against the system would be obviated if daily-rated workers are paid at a rate which is equal to the income of the monthly-rated employees, and this will secure to them the benefit of holidays with pay. We have already fixed the rate of payment of the daily-rated workers in such a way as to secure to them the same amount as the monthly-rated employees. There is the further point of security of tenure. We shall discuss this point when dealing with the question of "Security of Service" in Issue No. 10. The Engineering Workers' Federation has made the further criticism that where the daily-rated system prevails, the worker sometimes gets 2 or 3 hours' work on a particular day and he gets remuneration only for the number of hours' work put in. The Federation has urged that a monthly minimum remuneration should be guaranteed. The result of our Award will be to guarantee the minimum monthly remuneration to the regular worker, except in circumstances beyond the control of the employer; the worker should not otherwise be deprived of his minimum earning by being given insufficient employment. We shall discuss this

question further when dealing with the question of involuntary unemployment in Issue No. 10. Subject to these observations, we reject the claim for conversion of hourly-rated, daily-rated and weekly-rated workers into monthly-rated workers.

Issue No. 5.—Abolition or revision of piece-rates.

The Engineering Workers' Federation has demanded that piece-rates should be abolished or that piece-rates should be increased by 100 per cent. The Belur Iron and Steel Workers' Union has asked for increase of piece-rates by 50 per cent. This Union has referred to the award of Mr. S. C. Chakravorty in the case concerning the India Electric Works, Ltd., published in the *Calcutta Gazette* of 6th November 1947, in which the adjudicator increased the piece-rates by 20 per cent. The piece-rate system exists, to a certain extent, all over the world, and a skilful worker has the opportunity to earn a dividend on his skill under a piece-rate system. Accordingly the demand for abolition of piece-rates cannot be accepted. It is true that rate-cutting is sometimes resorted to when the workers attain dexterity. This, however, may be avoided by fixing the standard output for earning equal to the minimum basic wage, and in the last resort, the matter can be made a subject-matter of dispute and arbitration. Regarding the demand for a percentage increase in piece-rates, there is no data before the Tribunal for making a definite award. In the India Electric Works, Ltd., it was possible for the adjudicator to fix a percentage for the increase in piece-rates, because he had the piece-rates before him and he fixed the wages of the workmen paid according to the time-rate; thus he could fix the percentage rise to ensure that the earnings of the piece-rate workers did not fall below the earning of the time-rated workers in the same category. For want of necessary data and in view of the fact that this Tribunal is concerned with a large variety of different industries, no definite rate of increase of piece-rates can be fixed by this Tribunal. We can only make a provision for ensuring that the earning of the piece-rate worker does not fall below the earning of the time-rate worker of the corresponding grade. The Engineering Associations have urged that sometimes a piece-rate worker works in two or more factories at one time and therefore it is impossible for one Company to ensure reasonable earning for him. We must concede that if a piece-rate worker is not a whole-time worker for a Company, the Company can do nothing to ensure a minimum earning for him, but where a piece-rate worker is a whole-time worker for a particular Company, that particular Company must ensure that his earnings do not fall below the earnings of a time-rated worker of the same category. We, therefore, direct that each separate Company must revise its piece-rates so as to ensure that the earnings of a whole-time piece-rate worker of the Company do not fall below the earnings of a time-rated worker of the same category.

Issue No. 6.—Free quarters or house rent allowance.

The Unions have demanded that the Companies should either provide free quarters for the workmen or in the alternative give house rent allowance as recommended by the Central Pay Commission for the Calcutta Area. The Belur Iron and Steel Workers' Union demands that the minimum house rent should be Rs. 10 per month for workmen and Rs. 20 per month for clerical and other middle class employees.

The Engineering Associations have strongly opposed the claim for provision of free quarters or for house rent allowance in lieu thereof. They have urged that the Engineering Industry in Calcutta Industrial Area has never accepted the responsibility of providing houses to workmen, because the Engineering Industry in and around Calcutta has grown by slow stages and it has, therefore, not been necessary for the industry to recruit a large number of upcountry labour which has been required in the case of other industries such as jute. They have also pointed out the obstacles in the way of house building, viz., lack of space in the congested area of Calcutta, shortage of building materials and difficulty in obtaining the necessary finance. They have referred in this connection to the report of the Industrial Housing Sub-Committee published by the Government of India in May 1946. The Sub-Committee at page 9 of its report observed that while in the case of factories located in rural areas, the responsibility for housing must be solely that of the employer, yet in urban areas, because of the magnitude of the problem, the responsibility for housing of workmen could not be left to the employers only, and that the problem of industrial housing in big urban areas could only be successfully tackled by the collective efforts of the local authorities, the Government and the employers. In the Main Report of the Labour Investigation Committee of the Government of India, the same view has been taken. At pages 369-371 of the report, it is recommended that for big urban areas, the State should provide the finance for the building of the houses, leaving the recurrent expenditure for maintenance to be shared between the employers and the employees.

In the rural areas, the responsibility for housing workmen is placed entirely on the employers, because, in the first place, no private housing is likely to be available in such places for the labourers, and secondly, land and building labour in such places are likely to be very cheap and so housing does not ordinarily entail too great a burden upon the resources of the employers. The fact that responsibility for housing the workmen is placed on the employers in the rural areas, does not, however, mean that the houses are to be supplied free of rent to the employees. Housing has to be provided, but the cost per unit may be assessed and charged as house rent from the employees, or in the alternative, the cost of such housing may be regarded as part of the basic wages of the workmen. In mofussil areas, the cost of housing thus provided by the employers is not normally expected to exceed 10 per cent. of the pay of the employees. Ordinarily rent at 10 per cent. of the pay of the employee may be deemed to be included in the basic pay of the employee. Hence for mofussil areas, the Central Pay Commission does not recommend a separate house rent allowance. For big urban areas, there is provision for a separate house rent allowance because in such an area, housing cannot be obtained by an employee at 10 per cent. of his basic pay. For Government servants in Calcutta area, there is the Calcutta House Rent Allowance Scheme, under which a Government employee may get a house rent allowance equal to what he pays as house rent in excess of 10 per cent. of his pay, subject to a maximum of 12½ per cent. of his pay. In other words, the Calcutta House Rent is normally assumed to be 22½ per cent. of his normal pay and an employee is asked to bear the burden up to 10 per cent. of his pay and the Government bears the remaining 12½ per cent. of the house rent. Because of the high initial cost of building houses in big urban areas, the responsibility for building and providing houses in such areas has not been placed on the employers alone, and it has been recommended that the capital outlay for building houses in such areas should be advanced by the State: but the maintenance charges and the sinking fund charges to repay the capital would be much more than 10 per cent. of the basic pay of the employees and hence the employers are expected to share a part of that burden.

The contention of the Engineering Associations is that the employers cannot be asked to pay separate house rent allowance, because provision of house rent has been included in the basic wage

paid to the employee. The basic wages of employees include the normal cost of housing, i.e., 10 per cent. of pay, and so far as the Engineering concerns situated oustide Calcutta are concerned, we must hold that the employees of such concerns have no right to claim a house rent allowance in addition to the basic pay and dearness allowance fixed. The employees of the Engineering concerns situated in Calcutta could claim a house rent allowance, in view of the extra cost of housing in Calcutta. Apart from the fact that this would impose an extra burden which many Companies in Calcutta would find difficult to bear, there is an important reason which disinclines us from allowing the claim for Calcutta House Rent Allowance. The overwhelming majority of the unskilled workmen come from Orissa or Bihar. They do not, as a rule, live in the Calcutta area with their families, but several of them chum together in one room. Accordingly in their case it may be safely assumed that they do not spend even 10 per cent. of their basic pay as house rent. As to the semi-skilled and skilled workers and clerical and other middle class employees, many of them again belong to the area where the industries are situated and they either have houses of their own or they live in joint family houses and only rarely such an employee incurs house rent for his own individual family. A small proportion of the skilled workmen and clerical and other middle class staff do maintain separate houses and they alone might reasonably claim the Calcutta House Rent Allowances. We do not however consider it desirable that the house rent allowance should be granted to a small section only of the employees. The Unions have urged that a house rent allowance at least on the scale prescribed in paragraph 78 of the Central Pay Commission's report should be given to all employees, so that all employees might have the opportunity of living in more decent conditions. But decent accommodation for such a large number of employees would not be available at present or in the near future. We have to wait till building materials are freely available, and the Government comes forward with a house building programme for industrial employees. We therefore reject the claim for the Calcutta House Rent Allowance at present.

Issue No. 7.—Special allowance demanded for specific workers of specific firms.

The Belur Iron and Steel Workers' Union has demanded the following special allowances:—

(1) An allowance at the rate of 25 per cent. of basic pay of a worker or other employee living on board a vessel or inside the factory premises, as part of his duty.

(2) An allowance of 25 per cent. of his pay for worker working in excessive heat.

The Engineering Workers' Federation has demanded the following:—

(3) Special allowance equal to 25 per cent. of basic pay for workers of the Galvanising Section of Indian Galvanising Co., Ltd.

(4) An allowance for workers of Crown Aluminium Works (Messrs. Jeewanlal, Ltd.) for the dusty nature of their work.

(5) An allowance to workers who work with carbon in the British India Electric Company, as tuberculosis is very common among those workers.

The Employers' Associations have opposed these demands. We are unable to hold that any case for special allowance has been made out in any of the five cases urged before us. Thus members of the launch crew, who live on board the launches, and Durwans, who reside in factory premises as part of their duty, are employed for the special duty which they perform and they cannot claim a special allowance for such duty. The launch crew get a kind of free quarters in being able to live on board the launch in which they work, and the same remark applies to Durwans who live in factory premises. They cannot claim any special allowance.

The workers who work in excessive heat in iron engineering factories or other kinds of engineering factories are semi-skilled or highly skilled workers and are paid for the particular jobs that they perform. Their pays are expected to be adjusted for the jobs they perform and there is no case for extra allowance of 25 per cent. The same remark applies to workers in aluminium factories. There is nothing to show that aluminium particles which are formed during the manufacture of utensils from aluminium sheets are particularly dangerous for health, and in this case also the pay of the workers is expected to be adjusted to the jobs they perform and there is no case for a special allowance.

As to workers with carbon, it is urged that tuberculosis is common among them and they are entitled to special allowance. The Engineering Associations have produced a statement showing that the percentage of labour absentees is not markedly higher among workers with carbon. They have also filed a copy of the report of a doctor of the Morgan Crucibles Co., Ltd., of England which prepares and exports carbon brush. The opinion of the doctor is that inhalation of tobacco smoke is much more harmful than the inspiration of air contaminated with carbon dust; and that in an industrial area people inhale tiny particles of carbon from the atmosphere causing disodoration of the lungs, and workers who make carbon brush do not generally suffer from greater chest troubles than ordinary citizens of industrial areas. Further, the Engineering Associations have submitted that in England women are employed in carbon brush manufacture and if the work were injurious to health, women workers would not have been employed in that department. The Engineering Workers' Federation has stated that in last two years, six workers of the carbon department of the British India Electric Company were attacked with consumption. Consumption is, however, fairly common among the citizens in Calcutta Industrial Area, and the statistics produced do not show convincingly that the workers who make carbon brush are particularly liable to consumption. We do not, therefore, think that a case for special allowance has been made out for workers who make carbon brush, but it is recommended that the Company concerned should provide screens to workers of the carbon brush department as a measure of safety. We are informed that such screens are used by workers of the carbon brush department in England.

As to workers of the galvanising factory, it is urged that these workers work with gas and that gas has an injurious effect on health. There is nothing before us to support the contention that work with gas is particularly deleterious to health. Thus the claim for special allowance for specific workers of particular firms is rejected.

Issue No. 8.—Retiring Benefits—Provident Fund, Gratuity and Pension.

All the Unions have urged that it is the duty of the employer to provide some retiring benefits for the maintenance of the workers in old age. All the major Unions have demanded that retiring benefits should take the form of both a Contributory Provident Fund and a gratuity. The Engineering Workers' Federation also demanded that a system of pension should be introduced in addition, but it ultimately withdrew the claim for pension and confined its demand to Contributory Provident Fund and gratuity, like the other Labour Unions. The Belur Iron and Steel Workers' Union has suggested that the contribution to the Provident Fund should be 8⅓ per cent. of pay by the worker and that an equal contribution should be made by the employer. The other Labour Unions have demanded that the contribution should be 12½ per cent. As to gratuity, the demand generally is for one month's pay for each completed year of service.

The reply of the Engineering Associations is that the workers cannot as of right demand these benefits for it is the duty of the State to provide old age pensions; but that many engineering firms have, in fact, introduced some form of retiring benefit and the Associations insist that the workers should not be allowed more than one of the benefits. The Associations favour the Contributory Provident Fund Scheme as the most satisfactory scheme of benefit, but they want that each concern should be able to adopt the kind of retiring benefit that it considers most suitable, and that a concern which has one kind of retiring benefit scheme in operation should be able to change over into another system. The Associations have produced copies of the Model Rules for Provident Fund adopted and circularised by the Indian Engineering Association to all its members. These rules have obtained the sanction of the Income-Tax Commissioner. They provide for contribution at the rate of one anna in the rupee or 6¼ per cent. for workers drawing up to Rs. 150 per month.

We consider that employers have the duty to provide some sort of retiring benefit to their workers, particularly to such workers as have worked under them for a number of years. If the State were to introduce a scheme for old age insurance or old age pension, the State would obtain contribution from the employers as well as from the employees. So long as such a scheme for old age insurance or pension is not introduced, it is necessary that the employers directly should bear the burden for some sort of retiring benefits. We agree with the Engineering Associations that the Contributory Provident Fund Scheme is the best scheme of retiring benefit, because while imposing a burden on the employers, it also makes it compulsory for the employees to make a contribution; this is desirable because not only it teaches the employee the habit of saving but also is a guarantee against reckless spending of the retiring benefit money when obtained, for if the employees feel that they have contributed to build up the fund money, they would be careful about the money they receive on retiring. It appears from the statements filed by the Engineering Associations that at present only a few of the 119 Companies with which we are concerned have a proper system of retiring benefit. Only 41 of the firms have a scheme of Contributory Provident Fund, 13 have a gratuity scheme and 5 have a pension scheme. The pension scheme cannot be regarded as satisfactory. It is not a scheme by which all the employees of the particular Company benefit, but pension given to a few selected employees who have rendered signal service to the Company, and the rate at which pension is allowed is low.

We, therefore, decide that the scheme of the Contributory Provident Fund should be adopted by the Engineering Companies; but small Companies employing less than 100 men would have the option of adopting the gratuity scheme instead, as it has been represented to us that it would be difficult for the smaller units to maintain proper accounts of the Provident Fund. We also accept the contention of the Engineering Associations that the workmen should be entitled to claim only one kind of retiring benefit. It is true that in the Railway Services employees have the advantage of both Contributory Provident Fund and gratuity. But in view of the financial position of most of the Companies, we are definitely of opinion that it would be putting too heavy a burden on the employers to insist on both Provident Fund and gratuity schemes. We also agree that the rate of contribution to the Contributory Provident Fund should be one anna in the rupee or 6¼ per cent. of the basic pay. Under section 58C of the Income-Tax Act, it is necessary that the employees' contribution and the employers' contribution to the Contributory Provident Fund should be equal, and apart from the burden on the employers the workers earning the minimum pay can hardly spare more than one anna in the rupee for contribution to the Provident Fund.

It is necessary to discuss some of the rules of the Contributory Provident Fund. The Unions want that the employers' contribution to the Provident Fund should be available to the employee whenever he resigns or retires, without any limitation as to the total service put in and that further the employers' contribution should be available even when the employee is dismissed from service. Rules 26, 27 and 28 of the Model Rules adopted by the Indian Engineering Association are relevant in this connection. Rule 26 provides that on the voluntary resignation or retirement of any employee, no part of the employer's contribution should be payable, if the employee has not completed three years' service; if the employee has completed three years but has not completed 20 years' service, he should be paid 1/20th part of employer's contribution for each completed year of service and for this purpose any service prior to the commencement of the fund, provided that such service has been continuous and unbroken, shall be included. Rule 27 provides that where any employee is discharged permanently as a result of reduction of the establishment by the employer or on becoming permanently incapacitated owing to injury sustained whilst in the service of the employer or in case of his resignation or retirement with the previous written sanction of the employer owing to illness, old age, etc., the whole amount standing to the credit of his account should be paid to him. Rule 28 provides that in case of dismissal for a major misdemeanour, the employer's contribution to the fund shall be forfeited, provided that the trustees may, with the consent of the Company pay such portion of the employer's contribution as might be admissible under rule 26. In our opinion it is necessary to provide that the employee should not be able to get the employer's contribution in full until he has completed a certain number of years' service; otherwise an employee might be tempted to withdraw his accumulation in the Provident Fund at any time and take service elsewhere. It has been urged by the Unions that the period of 20 years prescribed in rule 26 is too long and that the period should be reduced substantially. But the Model Rules provide that a portion of the employer's contribution shall become payable as soon as the employee has completed three years' service. Thus an employee who resigns after completing 4 years' service, will get 4/20th or 1/5th of the employer's contribution; an employee who has completed 5 years' service will get 5/20th or ¼th of the employer's contribution and so on, until he gets the whole of the employer's contribution on completing 20 years' service. Taking the rule as a whole, it cannot be said that it is unsatisfactory, and therefore we see no reason to modify rule 26 of the Model Rules.

There are, however, two rules which require amendment in our opinion. Rule 13 provides that membership of the fund may be made compulsory at the discretion of the employer. We consider it necessary to provide that concerns which adopt the Contributory Provident Fund Scheme should make it compulsory for the permanent employees of all classes to join it; if it is left to the discretion of each concern to make it compulsory, many concerns may seek to reduce liability by making the scheme voluntary; the lower paid employees may not join the fund if it is left to their choice; and in that case there would be no retiring benefit for them. Hence we must direct suitable amendment of rule 13 to ensure that all permanent employees become members of the fund.

The Asbestos Cement Company has urged that its Head Office is in Bombay, and that it already has a scheme of Contributory Provident Fund in operation on a voluntary membership basis for employees in the different branches of the Company all over India, and that it should be permitted

keep its fund rules unchanged. For reasons explained above we cannot permit this. So far as its employees in West Bengal branches are concerned, it must be made compulsory for them to join the Provident Fund of the Company.

Next there is rule 15 which provides that the contribution of each member shall be 6¼ per cent. of the basic pay for members earning up to Rs. 150 per month, and 5 per cent. for members earning above that figure. So far as the employees before us are concerned, we are decidedly of the opinion that there should be a uniform contribution at 6¼ per cent. of the basic pay, irrespective of the question whether their earnings are above or below Rs. 150 per month; we are not concerned with the rate of contribution of the superior officers who are not members of the Unions. We must direct therefore that rule 15 be suitably amended so as to provide for a uniform rate of contribution at 6¼ per cent. of the basic pay for all permanent "workmen" as defined in the Industrial Disputes Act, irrespective of their monthly earnings.

Next we have to consider the terms of the gratuity scheme which may be adopted by small concerns employing less than 100 men. The Engineering Associations have suggested that half a month's basic pay for each completed year of service shall be payable, subject to a maximum of 15 months' basic pay; and that no gratuity shall be payable before the employee has completed 25 years' service. The Unions demand that the scale of payment should be one month's basic pay for each completed year of service, and that gratuity shall be payable whenever an employee resigns or retires or is discharged, without consideration of the number of years' service put in by him. We consider that the scale of payment should be half a month's pay for each completed year of service. Though for any particular year half a month's pay is less than 6¼ per cent. of pay, still gratuity is to be calculated on the basis of the substantive pay during the last year of an employee's service; thus gratuity payable for an employee who has served a full term and obtained some increments of pay will not be less than the employer's contribution into the Provident Fund at 6¼ per cent. of pay throughout the period of the employee's service. In other cases it may be less; but it has to be remembered that only the smaller concerns who cannot shoulder much financial burden will adopt the gratuity scheme. As to the conditions under which gratuity will be payable, we cannot accept the claim of the Unions, but we consider at the same time that the suggestions of the Engineering Associations do not go far enough. We therefore make the following rules as to gratuity for concerns adopting the gratuity scheme:—

(*a*) On retirement after not less than 25 years' continuous service—Half a month's basic pay for each completed year of service, subject to a maximum of 15 months' basic pay.

(*b*) On death of the employee while in service—Half a month's pay for each completed year of service, irrespective of the length of service but subject to the maximum of 15 months' basic pay, to be paid to the employees' heirs.

(*c*) On resignation or retirement at any time before the completion of 25 years' service, with the written consent of the employer, owing to illness, old age, or any other sufficient cause—Half a month's pay for each year of completed service.

(*d*) On termination of service by the employer, either as the result of reduction of his establishment or in any other circumstance not justifying dismissal—Half a month's pay for each completed year of service, irrespective of the length of service.

(*e*) No gratuity shall be payable when the employee is dismissed for misconduct.

(*f*) Gratuity is to be calculated on the basis of average substantive pay during the last 12 months of service.

Clauses (*c*) and (*d*) correspond to rule 27 of the Model Rules for Provident Fund. The Engineering Associations opposed the adoption of clause (*d*) urging that there is no liability to pay gratuity to a man who is discharged owing to a reduction of the employer's establishment; it is urged that in such a case the man is only entitled to notice or pay in lieu of notice for a month or a week, as the case may be. The Unions on the other hand have strenuously demanded that the liability to pay gratuity on retrenchment should be accepted by the employer in every case. We consider that until the State has adopted a scheme of unemployment insurance scheme, the employer can be asked to bear the burden of making some provision for the period when a man is thrown out of employment through no fault of his own. Further, in rule 27 of the Model Rules for Provident Fund the Indian Engineering Association has provided that on permanent discharge owing to reduction of establishment, an employee will be entitled to the whole of the employer's contribution, irrespective of the length of his service. There is no reason why the employees of the concerns adopting the gratuity scheme should be worse off. Such concerns may henceforth build up a gratuity fund by annual contributions, so that the men who ultimately retire in the normal course as well as the men who are discharged owing to reduction of establishment may be paid out of that fund. The benefit under rule 27 will be available only from the date on which the bigger concerns adopt the Model Rules and start funds governed by the Model Rules. We propose that this should be done with retrospective effect from the 1st April 1948. Similarly for the purpose of clause (*d*) of the gratuity rules, we provide that only service since the 1st April 1948, the date of commencement of the operation of this award, will be taken into consideration. Since there has been no recognised practice so far of paying a retiring gratuity on retrenchment, and we are now introducing the practice as a term of service, we hold that it would be inequitable to make the burden retrospective, except in the case of those who will have completed 15 continuous years' service at the time of retrenchment. For such people we are making a provision below for the period of 12 months for which this Award will be in force.

We have decided that only one kind of retiring benefit shall be normally given to the employees, and we have adopted the Contributory Provident Fund Scheme as the more satisfactory in the long run. But we consider it necessary that the Contributory Provident Fund Scheme should be supplemented for the next few years by a scheme of gratuity, for during this period the benefit from the Contributory Provident Fund will be relatively small. The Engineering Associations, after some discussions, have made the following offer for employees retiring or ceasing to be in service in the course of the next 12 months during which this Award will remain in force:—

(1) On retirement after not less than 30 years' continuous service—Gratuity at the rate of half a month's pay for each year of completed service, subject to a maximum of 15 months' pay.

(2) On retirement after not less than 20 years' service, with the written sanction of the employer—Gratuity at half a month's pay for each completed year of service.

(3) In each of the above cases gratuity will be payable for the period during which the particular concern had no Contributory Provident Fund. For the period during which the Contributory Provident Fund has been in existence, the employee will receive the employer's contribution to the fund in full.

The offer is on the whole a fair one, but to bring the benefits into line with the benefits which will have to be allowed by concerns adopting the gratuity scheme, we consider it necessary to make

certain alterations. Accordingly we make the following directions:—Employees of engineering concerns who adopt or have adopted the Contributory Provident Fund Scheme will obtain the following retiring benefits during the next 12 months from which the Award will be in force:—

(1) On retirement after continuous service for not less than 25 years—Gratuity at the rate of half a month's pay for each completed year of service, subject to a maximum of 15 months' pay.

(2) On retirement before completing 25 years' continuous service, owing to illness, old age or any other sufficient cause, with the written consent of the employer—Gratuity at the rate of half a month's pay for each year of completed service.

(3) For the period for which the Contributory Provident Fund has been in operation, the employees falling in clauses (1) and (2) will receive the whole amount of the employees' contribution to the fund; but in calculating the gratuity payable, the period for which the Contributory Provident Fund has been in existence will be deducted from the total period of service. The maximum period of service for those falling in clause (1) will be deemed to be 30 years for the purpose of this clause.

In respect of the period of 12 months for which the Award will be in force, the Associations have not agreed to any gratuity in case of termination of service by the Company for reduction of the establishment or for any other cause. But in this case also we think that a gratuity should be paid to those who will have completed at least 15 years' continuous service. We therefore provide that in the next 12 months, when an employee who has completed not less than 15 years' continuous service is discharged permanently as the result of reduction by the employer of his establishment, or for any similar cause, he will be paid a gratuity at the rate of half a month's pay for each completed year of service. This provision will apply to firms which adopt or have adopted the Contributory Provident Fund Scheme as well as to firms which adopt or have adopted the Gratuity Scheme, but in the former case, gratuity will not be calculated for the period of existence of the Contributory Provident Fund, for the employee will receive the employer's contribution to the fund for that period.

We expect that the special provisions made for the 12 months during which the Award will be in force will be extended by the employers to cover further periods until the Contributory Provident Fund Scheme and the Gratuity Scheme become fully operative. We cannot under the law provide fully for such a long period.

Regarding the few firms which have a pension system at present, all the Unions agree that they should have the option of discontinuing the system. They must all introduce a Contributory Provident Fund Scheme and they will be governed by the award as to retiring benefits for the next 12 months specified above. This would not, of course, bar them from giving, at their option, a pension to any particular employee who has rendered signal service to them. Retired employees who are in enjoyment of pension will not be affected by the award.

Issue No. 9—Holidays and Leave.

Workmen in factories are governed by the Factories Act, 1934, as amended in 1945 regarding holidays and leave. Section 35 of the Act provides for a weekly holiday and section 49B provides for paid annual holidays for workers who have completed a period of 12 months' continuous service in a factory. The holidays provided by section 49B are holidays for a period of 10 consecutive days; if a worker does not take this leave in any year, he may carry it forward to the next succeeding year, but a workman may thus accumulate his holidays under the Factories Act for 2 years only, i.e., if he does not take a paid holiday of 10 days in one year, he may take a paid holiday for 20 days in the next year. In addition to the 10 days' paid holiday or leave under the Factories Act, each factory gives a number of paid holidays on festival days. The number of such holidays on festival days varies widely from Company to Company; from 1 to 15, according to the statement of existing rules of leave and holidays in different concerns filed by the Engineering Associations. Most of the concerns do not grant any other holidays or leave. Only 14 out of 97 concerns included in the statement allow casual leave with pay from 4 to 10 days and about the same number allow sick leave with full pay or half pay from 7 to 15 days. There is no system of privilege leave for the factory workmen.

All the principal Workers' Unions have demanded that the workmen should be allowed one month's privilege leave with full pay in a year, 15 days' casual leave with full pay in a year, and at least one month's sick leave with full pay in a year. As to festival leave, the Belur Iron and Steel Workers' Union has demanded that such festival leave should be allowed on all gazetted holidays, while the Engineering Workers' Federation has demanded festival leave with pay for 8 days in a year.

In support of the claim for privilege leave, casual leave and sick leave, it has been urged that there should be no distinction in these days between factory workmen and clerical and middle class employees, and that if the clerks and other middle class employees get privilege leave, casual leave and sick leave, the factory workers' should also get these kinds of leave.

The two Engineering Associations have strongly opposed the claim for leave and holidays on such a liberal scale. In this connection we may usefully quote the following extract from the written statement filed by the Associations ".....due consideration may be paid to the very important factor of the capacity of the industry to bear the financial burden and the loss of production involved in granting leave of all kinds. It is the Associations' strong contention that, so far as privilege and casual leave is concerned the provisions of the Factories Act as amended up to date should be regarded as the standard to be adhered to, and that the Tribunal should not go beyond the terms there laid down. So far as sick leave is concerned, the Associations would invite the Tribunal's attention to the provisions of the forthcoming sickness insurance legislation which will soon be in force and will provide all that is necessary in this respect." During the hearing it has been submitted on behalf of the Associations that in addition to 10 days' statutory leave with pay introduced by the Factories Amendment Act, 1945, the Associations are prepared to give 6 paid holidays on festival days, and that beyond this the Associations are not prepared to go. It has been urged on behalf of the Associations that where the Statute has made provision on a certain matter, the Tribunal should consider itself bound by it and should not go beyond the Statute. Previously there was no system of paid holidays in the factories but the necessity of paid holidays was long recognised. In the Main Report of the Labour Investigation Committee, the following observations are made at page 118, "The value of holidays in maintaining and increasing industrial efficiency as well as in improving the employer-worker relations cannot be overemphasised. The higher rate of absenteeism and the large percentage of Labour turnover, which are characteristic of most of the Indian industries, are in a large

easure: attributable to the absence of an adequate rovision for holidays and leave. The Bihar abour Enquiry Committee aptly remarked: Tropical climate, poor diet and physique of the orkers and insanitary and unattractive conditions which they live, combine to make holidays with ay even more necessary in India than in the 'est". Dr. Radha Kamal Mukherjee also in his ook, "Indian Working Class," observes as ollows: "Regarding leave, it is essential that me agreement should be reached between the mployers and the workers, or the State should fix e number of days of leave with pay by legisla- on. For few industrial workers in the world need ave with pay so much as those in India, while e grant of such leave will contribute to improve e sense of security, attachment to a particular dustrial establishment and hence general ficiency." These remarks were made before the nendment of the Factories Act, 1934. By the actories (Amendment) Act of 1945 which came in- force from 1st January 1946, annual holidays nder section 49B of the Factories Act were in- oduced for the first time. For the Engineering ssociations it has been urged strongly that the ribunal should not go beyond the limits fixed by gislation and it has also been urged that the dustrial worker in other countries gets only a ort holiday or leave with pay. Thus it is inted out that in England, the unskilled worker ts no privilege leave at all and only a week's oliday in a year (1/50th of duty). In addition e British workman gets five Bank Holidays in a ar; these correspond to festival holidays. In ew Zealand there are 8 annual holidays. Even ussia gives an annual paid holiday of 12 days ly. It has also been urged by the Associations at the idea of a paid vacation is a western idea here the workers are divorced from land and quire a short period of relaxation; and that in dia most of the labourers have connection with nd and it is, therefore, not necessary to provide a id holiday, as most workmen take leave for a nth or two without pay and attend to their rvest and thus get sufficient change from the ily round of factory labour.

We do not agree that there is anything in the ctories Act or in any other legislation which events us from going beyond the number of days entioned in section 49B of the Factories Act. e section only says that a factory worker who s completed 12 months' service should be lowed holidays for a period of 10 consecutive ys. There is nothing to show that more holi- ys or leave cannot be allowed. Some few con- rns have given the worker more holidays with y. For settling an industrial dispute, the ibunal may allow holidays and leave beyond the mber of days mentioned in the Factories Act. the same time, of course, the Tribunal has to ke into consideration the fact that holidays must een production and that leave must throw an ditional financial burden on the employers and crease the cost of production. The Tribunal s also to take into consideration the fact that rkmen even in industrially advanced countries e England and Russia do not enjoy long holi- ys or leave. Accordingly, while we are inclined go beyond the limit of 10 days' statutory leave 6 days' festival leave offered by the Associa- ns, we must hold that the demands of the ions have been pitched too high and the erest of the country will be hampered if they conceded. Dr. Mukherjee in his book "Indian rking Class" takes all the facts into considera- and recommends at page 60 of his book that Engineering Industries in India should give days' holidays with pay including festival s. We are inclined to accept the recommenda- of an experienced economist like Dr. kherjee. We, therefore, hold that there should 22 holidays including festival holidays and 10 statutory holidays under the Factories Act. This may be divided as follows:—

10 days' continuous holidays under the Factories Act, which is equivalent to 8 or 9 paid holidays according as there is one Sunday or two within the period of 10 days.

8 festival days.

5 or 6 days' other leave with pay which may be taken in continuation of the 10 days under the Factories Act or separately at the option of the workmen. This other leave for 5 or 6 days will accumulate for 2 years, as provided for the 10 days' leave under the Factories Act.

Regarding sick leave, the case of the Associations is that the Employees' State Insurance Act, which has already been passed by the Central Legislature, makes sufficient provision and therefore it is not necessary that the Tribunal should provide any sick leave. It is true that the Employees' State Insurance Act has been passed by the Central Legislature, but it will be sometime before the benefits under the Act are made available to the workmen. Under the Act a Board will be set up which will collect weekly contributions from the employers as well as the employees, and receive contribution from the Government and build up a fund from which the employees will be paid an allowance when they are ill, up to a maximum of 8 weeks in a particular year. There are other provisions of the Act which are not relevant for the present issue. When the Act has come into full operation, it will no longer be necessary to make any provision for grant of sick leave by the individual employers, because the employees of the concerns to which the Act has been applied will automatically get the necessary allowance during their sickness. But until the Act comes into force, we consider it necessary that the employers should give an allowance when the employees fall ill. Under the scheme of the Employees' State Insurance Act, the employer as well as the employee will have to make a contribution and the benefit will normally be equal to half pay. The benefit will be for eight weeks, but then the State, the employer and the employee will all contribute to build up the benefit fund. At present, we are throwing the burden on the employer only. Hence we provide for 15 days' sick leave on half pay in a year of service. This leave will accumulate, i.e., if in one year the employee does not take sick leave, in the next year he may take sick leave with half pay up to 30 days and so on, but this leave will be discontinued as soon as the Employees' State Insurance Act comes into operation.

Next we have to deal with leave rules for the clerical staff and the supervisory staff. The clerical staff and the supervisory staff will get the same festival leave as the workmen, privilege leave on full pay for 21 days, and sick leave on half pay for 15 days in a year. The privilege leave will accumulate up to a limit of 63 days, and the sick leave will accumulate from year to year. We also think it desirable that clerks should have some casual leave as in Government offices. We provide for 7 days' casual leave with full pay in a year for them.

Issue No. 10—Conditions of Service.

(*a*) *Recruitment, Contract and Sardar System.*—It is admitted by the Labour Unions that there is no Sardar System in the Engineering Firm as there is in the Jute Mills. Labour is recruited not through any Contractor or Sardar, but is recruited direct by the management. The only point regarding recruitment is a claim made by the Engineering Workers' Federation that in case of new recruitment, sons and relatives of employees

should get first preference. The Associations agree that other things being equal, sons and relatives of employees should get preference. Accordingly we direct that other things being equal, the employers should give preference to the sons and relatives of employees in the matter of new recruitment.

Next there is the question of the Contract System. The Unions have unanimously condemned the System, and urged its immediate abolition and replacement of contract labour by permanent labour under the industrial concerns.

The Engineering Associations have urged that Contract System is prevalent only to a limited extent in the Engineering Industry. From B. P. Adarkar's report at page 243, it appears that in 1939 only 1·2 per cent. of the workmen employed in general Engineering Industry constituted contract labour, though the per cent. increased to 2·9 per cent. in 1944. In Bengal, however, the percentage of contract labour is higher (*vide* Mr. Adarkar's comment at page 16 of the report). In the Main Report of the Labour Investigation Committee, there is a comment on the contract labour system at pages 83-84 of the report. The report says that the exigencies of the last war accentuated the tendency to employ contract labour. The Committee also mentions the reason given by employers for engaging contract labour, viz., the need for speedy execution of work at short notice, want of adequate supervising staff and absence of adequate machinery of employment exchange, which could supply required number of workers at short notice. For the Engineering Associations a further reason has been mentioned, viz., that where there is work which is not of a continuous nature, some sort of contract system is inevitable. But the Labour Investigation Committee points out that the contract system enables the principal employer to escape most of the provisions of the Labour Acts, viz., the Factories Act, Payment of Wages Act and the Maternity Benefit Act. The contractor obtains his contract by virtue of his being the lowest bidder for the work, and naturally, unless he pays low wages and intensifies the pace of work, he cannot earn any profit. Thus, ultimately this results in the sweating of labour. The employers find the contract system financially profitable in the short run; i.e., they can get work executed more cheaply through contractors than they could do in their own factory with permanent labour paid at reasonable rates. This tendency on the part of the employers ought to be countered. It is not possible that all contract work will be terminated, but some sort of distinction between essential and non-essential processes of the industry must be drawn. To quote from the Main Report of the Labour Investigation Committee, if a textile factory owner calls a building contractor for painting or whitewashing which are not part of the essential processes in the factory, there can be no objection; but the manner in which employers seek to avoid their obligation towards workers by delegating even essential processes, for example, mixing or bleaching, can and should be prohibited. The same remarks apply to the General Engineering Industry.

The Associations have said that they are not in favour of contract labour and they would welcome a recommendation by the Tribunal that contract labour should gradually be replaced by permanent labour, but they point out that in this respect it is not possible to make a binding award. For the Associations, it has also been suggested that the evils of the Contract System may be minimised, if the employers when granting a contract insist on fair wages being paid to the contractor's labour and insist also on the provision that an officer of the company, e.g., Welfare Officer, should have the power to see that reasonable wages are paid to the contractor's labour. We agree that in this respect it is not possible to make an award that contract labour system should be discontinued forthwith. It is also doubtful whether the Tribunal has power to make such an award. Accordingly, we recommend that the employers should take steps to replace contract labour by permanent labour as far as possible, particularly in respect of the essential operations of the factories, and that further the employers when granting contracts should see that the contractor selected, pays fair wages to labour whether at piece-rate or at time-rate, and also insist on the provision that a representative of the company, e.g., Welfare Officer, will have power to see that the contractor's labourers are actually paid the wages due to them.

(*b*) *Probationary Period and Apprenticeship*. The Engineering Associations want that the period of probation should be 12 months' ordinarily. In support of their contention, they have referred to the Factories Act, which provides that workmen who have put in 12 months' service will be entitled to certain privileges, e.g., in respect of paid holidays. On the other hand, the Labour Unions have generally insisted that the period of probation should be limited to three months, arguing that in that period the employer gets sufficient opportunity to find out whether the workman appointed would be satisfactory or not. The Central Government's Model Standing Order [*vide* Department of Labour Notification No. L.R. 11(37), dated New Delhi the 10th December 1946] provides that the probationary period should be three months. The Labour Unions have sought to strengthen their argument for probationary period of three months by reference to this Model Standing Order. We consider, however, that a period of three months is too short. The Motor Industries, for instance the French Motor Company and the Walford Transport, Limited, have adopted six months as the probationary period. We think that this period is reasonable and we accordingly fix the probationary period at six months for the Engineering Industry in general. After a period of six months, a workman should be made permanent unless he is found unfit and as such is discharged.

Next, there is the question of apprentices. In respect of apprentices, the Labour Unions generally have put forward three demands:

> Firstly, that they should be given a suitable allowance not less than the minimum living wage fixed for the unskilled workmen;
>
> Secondly, that they should be given a guarantee of service by the firm in which they are apprenticed; and
>
> Thirdly, that the period of apprentices should be fixed and should not exceed a period of 1 to 3 years according to the nature of trade in which he is apprenticed.

Mr. B. P. Adarkar's report at page 19 contains some details of apprenticeship in the General Engineering Industry. From the statement it appears that the period of apprenticeship varies from 1 to 6 years, though the usual period is from 3 to 5 years, and that it is usual to pay a subsistence allowance to the apprentices.

The Engineering Associations have opposed the claim of the Unions regarding apprentices. The apprentice has been defined in the Model Standing Orders of the Engineering Association as "a worker under training with or without any allowance during the period of his training." For the Engineering Associations it is submitted that there is a practice of granting a subsistence allowance to the apprentices and that this practice will not be discontinued, but it is urged that the Tribunal should not attempt to fix the remuneration of the apprentices. It is pointed out that the apprentices are practically students who are given training and logically a premium might be charged from them rather than paying them during the period of training. It is also pointed out that the apprentices handle expensive machinery and produce nothing at least in the beginning, but rather

amage to machinery and so the claim of the nion that apprentices should be paid an allow-nce equal to the minimum wage of an unskilled orkman is strongly opposed. The claim for educing the period of apprenticeship is also rongly opposed by the Engineering Associations nd it is urged by them that it will not be for the ood of the workers or the country to reduce the eriod. It is pointed out that in England also the eriod of apprenticeship is 3 to 5 years. As to e guarantee asked for that such apprentices will e absorbed by the firms employing them, the ngineering Associations have strongly opposed ch guarantee being given. They point out that many cases, students reading in Engineering olleges obtain practical training as apprentices arrangement with a well-established Engineer-g Firm, and to ask for a guarantee of employ-ent in such cases would compel the firm to close e avenue of practical training, and thus ngineering students and the country would ffer.

As to the guarantee asked for that the appren-ces should be given permanent service, we agree ith the Engineering Associations that to ask for ch a guarantee would harm the wider interests the country, because it would induce well-tablished Engineering Firms to reduce the mber of apprentices drastically and to refuse prenticeship training to Engineering students, o may not even seek permanent service under e particular firms, but only want to take a urse of practical training. As to the period of prenticeship we recognise that it is very difficult r us to fix the period of apprenticeship for the rious trades, for we lack the necessary technical owledge for assessing the correct period of prenticeship. On the other hand, we must cognise that there is some substance in the point gued by the Labour Unions that apprentices are pt on for an unduly long period of time, because e Engineering Firms obtain service from them a low cost. In this connection we may refer to e observations contained in the Main Report of e Labour Investigation Committee at page 90, After studying the various schemes of apprentice-ip, whether subject to agreement or not, which e in operation in different industries, we feel that ere is much scope for abuses here. The most rious abuse of the system is when an employer gages workmen who are as good as regular orkers, as mere apprentices and pays them low ages or no wages at all." It is necessary that me steps should be taken to remedy the evil. ly an expert or a Commitee of Experts, how-er, can draw up a scheme specifying the length apprenticeship necessary for the different kinds job in the Engineering Industry, and the Com-ittee the appointment of which we are recom-ending for classifying the workers into different tegories, may also go into the question of prenticeship and draw up a scheme specifying e period of apprenticeship needed for the fferent kinds of jobs in the Engineering dustry. Meanwhile we may take advantage of e definition of a permanent worker in the Model anding Orders of the Engineering Associations of dia. A permanent worker is defined therein as e who has completed a probationary period of elve consecutive months in the same or another cupation in the factory or who has completed a riod of apprenticeship of three consecutive years the occupation for which he has been apprentic-. We feel that the maximum period of appren-ceship should ordinarily be three years; and we, erefore, direct that pending the framing of a heme of apprenticeship by the Expert Com-ittee, no one should be kept on apprenticeship yond the period of three years except on his own ritten request and in a kind of job requiring ghly specialised skill. Normally at the end of ree years, an apprentice should either be absorb-as a permanent worker or discharged with the cessary certificate of training, provided of urse he has qualified for such a certificate.

As regards the allowance to be paid to an apprentice, we reject the claim made by the Labour Unions that from the beginning he should be paid an allowance equal to the minimum living wage allowed to the unskilled worker. The minimum living wage of the unskilled worker has been fixed on the footing that he has to maintain a three unit family. In the case of an apprentice, that consideration cannot apply, for an apprentice is ordinarily a young man from 15 to 19 years (page 89 of the Main Report of the Labour Investigation Committee) and he is moreover learning a trade and does not produce anything during at least a part of the period. Having before us the scale of allowances given to apprentices by the Indian Iron and Steel Co., Ltd., we fix a daily remuneration of 12 annas for the ordinary apprentice, who is learning the lowest type of skilled job. This allowance will be increased to 14 annas in the second year and to Re. 1 in the third year. For superior types of apprentices, e.g., matriculates learning a more skilled job or graduates learning a highly skilled job, we leave the allowances to be settled by the employers concerned, pending the framing of the scheme for apprentices by the Committee of Experts.

We should add that when an apprentice is made to work in place of a regular worker or given the same work as a regular worker, he must be paid the proper wages of the particular job. The evil practice referred to in the Main Report of employing men as good as regular workers as apprentices on nominal wages should cease altogether.

(*c*) *Security of Service—Rules of Retrenchment, Dismissal and Involuntary Unemployment.*—An employer has normally the right to discharge an employee and he may be frequently compelled to reduce his establishment. The Labour Unions want that definite rules should be framed defining the conditions in which the employer may discharge or retrench workers. The Belur Iron and Steel Workers' Union has demanded that in case of discharge of a permanent worker three months' notice or pay in lieu thereof is to be given. The Engineering Workers' Federation has made the same demand. The Bengal Chamber of Labour and the Indian Federation of Labour have demanded that there should be one month's notice or pay in lieu thereof, and that in addition a discharged or retrenched worker should be paid a gratuity at the rate of one month's pay for each completed year of service put in. As regards the gratuity demanded, this will be governed by the provisions already made in respect of retiring benefits, and it is not necessary to discuss the provisions further. As regards the period of notice, this, in our opinion, should be one month in the case of monthly-rated workers and one week in the case of daily or hourly-rated but weekly paid workers. The Labour Unions have referred to the Model Rules of the Government of India in which provision has been made for two weeks' notice to the daily or hourly-rated but weekly paid workers. There is however some difficulty in the way of making the period of notice as long as 2 weeks in the case of weekly paid workers. The provision of notice or pay for the period of notice in the case of termination of service, must be a mutual provision, i.e., just as the employer must give a month's notice or a month's pay for termination of service of a monthly paid worker or give a week's notice or give a week's pay in lieu of notice to the weekly paid worker, so the employee also, if wishing to quit, should give a month's notice or allow the deduction of a month's pay in the case of monthly paid worker, or give a week's notice or allow the deduction of a week's pay, in the case of a weekly paid worker. If the period of notice in respect of weekly paid worker were made 2 weeks, the employer would be entitled to deduct 2 weeks' pay, if the worker left without due notice. But the employer cannot deduct two weeks' wages in view of the provisions of section 9 of the Payment of Wages Act. The proviso of clause (*ii*) of subsection (*2*) of section 9 provides that the maximum

deduction permissible under the Act is only 8 days' wages. It should be mentioned that in the Draft Standing Orders filed by the two Engineering Associations, the period of notice in the case of daily or hourly-rated, but weekly paid, workers has been mentioned as 24 hours only. It has been urged that there is no obligation on the employee to work every day and there is no corresponding obligation on the employer also to provide work for such workmen every day; that each workman is employed afresh every day and may leave whenever he wants and that, therefore, the period of notice has rightly been fixed as 24 hours. If that were to represent the true relationship between the employer and the employee, there would be no point in the provision making a workman permanent. The wage period in the case of workmen is one week, even though the workmen may be daily or hourly-rated. It would be logical, therefore, to fix the period of notice at one week also. Accordingly we fix the period of notice in the case of weekly paid worker as one week; there is no dispute on the point that in the case of monthly paid worker, the period should be one month.

Next, there is the question of dismissal. For misconduct, an employee is liable to dismissal. This position is not challenged by the Labour Unions, but they want to guard against arbitrary dismissal, and demand that there should be joint Boards consisting of an equal number of representatives of employers and employees to adjudicate on all cases requiring dismissal. The Engineering Associations have strongly opposed this demand. In respect of the services there was a demand made before the Central Pay Commission that punishments and promotions should be made by the Head of the Department in collaboration with representatives of the services or Unions concerned, but the Central Pay Commission (page 65 of the report) turned down the demand, observing that the suggestion was impracticable, if not undesirable, and that the Head of the Department was primarily responsible for the efficiency and discipline and it was only right that he who was responsible for the maintenance of discipline and efficiency should also be in a position to mete out rewards and punishments. The same remarks apply to industrial concerns. The management is responsible for the efficiency and discipline of his concern and it is right and proper that he should have the right to decide finally on the rewards and punishments. To avoid a charge of arbitrariness, it is desirable that in serious cases of misconduct justifying dismissal, there should be a written charge-sheet and that the representatives of the employees' Union should be permitted to appear for the defence. In the Model Standing Orders of the Government of India, it is provided that no order of dismissal should be made unless the worker concerned is informed in writing of the charge against him and given an opportunity to explain the circumstances alleged against him. There is also a provision that an order of suspension may take effect immediately. We recommend that these rules should be adopted by the Engineering Associations, viz., that no order of dismissal should be made unless the worker himself is informed in writing of the alleged misconduct and given the opportunity to explain the circumstances alleged against him and that an order of suspension may be made in writing at the same time and may take effect immediately on delivery of the order to the workmen concerned.

Lastly, there is the question of compensation for involuntary unemployment. The Draft Standing Orders of the Engineering Associations do not make any provision for compensation in case of involuntary unemployment. Paragraph 14 of the Draft Standing Orders of the Engineering Association of India with the heading, "Stoppage of Work" runs as follows:—"The company may, at any time or times, in the event of fire, catastrophe, breakdown of machinery or stoppage of power supply, shortage of essential raw materials, epidemic, civil commotion, or other cause whatsoever beyond the control of the company, stop any machine or machines or department or departments fully or partly for any period or periods, without notice or compensation in lieu thereof". The Labour Unions have strongly opposed the idea of stopping the work without compensation. They want the adoption of a scheme of involuntary unemployment as was recommended by the Government of India for adoption by the industrial concerns during the last war. We have not been able to obtain an original copy of the circular, but it is quoted in the award made by Dr. H. G. Waight in the dispute concerning Messrs. Venesta, Limited published in the "Calcutta Gazette Extraordinary" of September 6, 1947. The provisions roughly are that for the first fortnight of involuntary unemployment, 75 per cent. of the ordinary rate of pay, and for the second fortnight, 50 per cent. of the ordinary rate of pay is to be given as compensation to the workmen in each half year from January to June and July to December, but no compensation will be given until the number of days in a particular half year has exceeded seven. The Associations have opposed the demand for such a compensation, by saying that the circular was intended to be a strictly war-time measure and that the provisions contained therein should not be made a term of employment in the Engineering Industry in general. The learned Counsel for the Associations has argued that in the case of permanent workmen, there is an implied obligation on the employer to provide work and on the workmen to do the work provided, but if the obligation becomes impossible of performance, the implied contract becomes void and no compensation is therefore payable by either party for such an occasion. In this connection he has referred to section 56 of the Indian Contract Act. He has further urged that payment is made to the workmen out of production, and that when there is no production, there is no source of payment. It is urged that it is for the Government to introduce legislation providing a scheme of Unemployment Insurance Benefit and that the Tribunal should not go ahead of the legislature and ask the employer to accept the burden of Unemployment Insurance before the Government has made such legislation.

We cannot, however, agree that the Tribunal is bound by the Civil Law in every respect. We may concede that under the Civil Law, there is no legal liability on the employers to pay compensation during the periods of involuntary unemployment, when the contract between the employer and the employee becomes impossible of performance but for the sake of peace in the industry, the Tribunal may go ahead of legislation and ask the employer to bear some burden of Unemployment Insurance. It is not to the interest of industrial establishments to discharge its workmen trained for the particular job of the establishment as soon as there is stoppage of work from any cause beyond the control of the company. It would be better from the point of view of the employer himself to retain the workmen and pay them an allowance for such retention through the period of involuntary unemployment. On the other hand it is not in the interest of the workmen to leave the service of a particular company as soon as there is stoppage of work from breakdown or shortage of raw materials or for a similar cause, as they have very little to fall back upon, it is desirable in the interest of social justice that the employer should be asked to give a subsistence allowance to the workmen during the period of involuntary unemployment. Accordingly we consider it desirable to introduce a scheme of compensation for involuntary unemployment as a term of employment of labour in general. The Government of India Circular on the point may be accepted as a guide, but we are inclined to reduce the subsistence allowance to half the total remuneration even for the first fortnight. We may mention that T. E. Thompson Company Employ

ion in its written statement suggested that mpensation for involuntary unemployment uld be paid at the rate of half the total remu-ation. Accordingly we direct that compensa-n for a period of involuntary unemployment uld be payable at the rate of half the basic pay l half the dearness allowance for 30 days in each lf year from January to June and July to cember. To qualify for the unemployment nefit, the worker must answer to a muster-roll e a day at his usual place of employment, and vorker must be prepared to do work even of a erent sort in his factory or in any other estab-ment under the same employers and if he uses to do so, he will be ineligible for the benefit.

f the period of stoppage of work extends beyond days in any half year, no further compensa-will be payable to the workmen. But unless y quit by giving the necessary notice, they l be entitled to resume their posts as soon as work of the company starts again.

his will not affect the right of the employer lischarge the workers at any time if he is satis-that the period of stoppage of work is likely be long. Such discharge will be governed by ordinary rules regarding notice or pay in lieu notice and retiring benefits.

nother form of involuntary unemployment re-ed to by the Unions is that sometimes the e-rated worker is given only 2 or 3 hours' work a particular day and he is then told that there o further work for the day, and he loses several rs' wages. We consider it proper that in such ase the worker should get the day's wages in , and we direct that the employer should give full day's wages in such a case.

) Promotion.—The Labour Unions demand whenever there is a vacancy in the higher gories, the workman claiming to have quali-tion for the higher category, should be given nance of promotion after submitting himself to proper test. This demand is reasonable and ccepted by the Employers' Associations.

) Standing Orders.—The Industrial Employ-t (Standing Orders) Act, 1946, which came force on 23rd April, 1946, requires every in-rial establishment wherein 100 or more men employed, to have written Standing Orders ified by the Certifying Officer, viz., the Labour missioner of the Province. The matters to be ided in the Standing Orders under the Act mentioned in the Schedule to the Act. The Engineering Associations have prepared Draft nding Orders for adoption by the members, the Draft Standing Orders by the Engineer-Association of India have already been certi-by the Certifying Officer. The Labour Unions made certain criticisms of the Draft Standing ers. The representative of the Bengal mber of Labour has urged that this Tribunal ld frame Standing Orders to be accepted by the concerns subject to this award and he has filed a copy of Model Standing Orders draft-y himself. We do not, however, consider that our duty to draft Model Standing Orders for tion of the Engineering concerns. Accord-y we shall only direct the adoption of Stand-Orders by all the concerns which employ 100 mmen or more, and we shall make certain cri-ms of the Draft Standing Orders prepared by Engineering Association of India and shall t the necessary amendments.

n the first place, there is the point that the dule of the Industrial Employment (Standing ers) Act, 1946, requires the wage rates to be tioned in the Standing Orders, but the Draft nding Orders of the Engineering Association ndia do not specify the wage rates. This de-must be removed.

he second criticism is regarding leave. Para-ph 21 requires that a written application for e should be submitted seven days in advance to the officer appointed by the company for the purpose, whose name and designation should be notified in the notice board.

There is no provision made for the case where leave may be urgently required by workmen. Accordingly a provision should be made that in case of emergency, workmen may apply for leave only one day in advance. A provision should also be made regarding an alternative authority competent to receive applications for leave and grant leave where the officer of the company notified for the purpose on the notice board is not available on the particular day.

Paragraph 5 with the heading "Identity Card", prescribes that each worker shall be provided with a token or card showing his number and this card is to be produced at the time of attending at the workshop. The Engineering Workers' Federation and the Bengal National Chamber of Labour have demanded that every worker should not only be provided with a card showing his number, but that he should have a service card or folder giving briefly the whole history of his service, viz., his date of appointment, rate of pay, notes of promotion and notes of punishment. The company has objected that the identity card has to be produced daily when the workmen come into the workshop, and that if service cards or folders are given instead, they would become unserviceable within a short time and a burden would be thrown on the employers to replace the cards from time to time involving a good deal of clerical labour. The employers have suggested that instead of giving service cards or folders showing all the details, the employers will maintain a separate service record for each permanent employee and that this record will be open to inspection by the workmen. The Belur Iron and Steel Workers' Union has only demanded that proper service cards should be maintained. It has not demanded that the service cards should be made over to the workmen and used as identity cards. We consider the objection of the Engineering Associations reasonable and we direct that while every worker will be provided with a token card showing his number, the employer must maintain a separate record of service for each permanent employee, and provide that at specified times, the service records will be open to inspection by the workmen concerned.

Paragraph 7 of the Draft Standing Orders relates to the manner of notification of periods and hours of work. The Bengal Chamber of Labour has demanded that when there is any change of the hours of work made by the management, the Union or employees should be consulted. This demand has been opposed by the Engineering Associations. Under section 39 of the Factories Act, it is for the management to fix the hours of work for the workers. The Unions cannot demand that hours of work must be fixed according to the dictation of the Union. There would be no objection, however, to notify the Union or the workers beforehand of any proposed change and to consider any objection which the Union or the workers may make to the proposed change. Under section 40, any proposed change in the system of work necessitating a change in the notice as to hours of work has to be sent beforehand to the Inspector of Factories. At the same time the Union and the workers might be notified and the management might consider any objection that the Unions might make. Accordingly we direct that a clause be added at the end of paragraph 7, viz., "after notifying the workers or the Unions of the proposed change and considering the objections, if any, preferred by the workers or the Unions".

A general demand has been made that the notice should be given not only in English but also in the language of the majority of the workmen. This demand is reasonable and should be complied with.

As regards punishment for misdemeanours (paragraph 16), the Unions have urged that limits should be fixed to the fines or suspensions which may be imposed by way of punishment. As to fines, however, a limit is fixed by Statute, viz., section 8, sub-section 4 of the Payment of Wages Act, which provides that the total amount of fine which may be imposed in any one wage-period on any person shall not exceed an amount equal to half-an-anna in the rupee of the wages payable to him in respect of that wage-period. Thus the fine which the employer may impose on workmen is a very small fine; and in view of the statutory provision of the limit of fine, we need give no direction on the point. As to suspension, the Government of India Standing Orders recommended that four days in a wage-period should be the maximum period of suspension by way of punishment, and the Bengal National Chamber of Labour has urged for the adoption of this maximum limit of suspension by way of punishment. The Engineering Associations are agreeable to such limitation. Accordingly in paragraph 16, it should be specified that the maximum suspension by way of punishment, which may be imposed, would be four days in a wage-period.

It has been urged that in the case of a minor misdemeanour, when the workman shows by his subsequent conduct that he is a good and reliable workman, the record of punishment should be deleted and he should be given a clean record. This demand, in our opinion, goes too far, but we think that it will be reasonable to introduce the rule that where a workman has had nothing against him for a continuous period of three years, no note should be taken of the previous punishment or punishments against him for minor misdemeanour. Accordingly, we would amend clause (*j*) under major misdemeanours by adding the following clause:—"provided that where after the last warning, fine or suspension, the workman has had a clean record for a continuous period of three years, the previous warning, fine or suspension shall not be taken into consideration against him for the purpose of this clause".

Lastly, an objection has been made to the words "in private life" in clause (*q*) under the heading "Major misdemeanours". The Employers' Associations after discussion have agreed to delete the words "in private life" from this clause. Accordingly we direct that the words "in private life" shall be deleted in clause (*q*) under "Major misdemeanours".

Consequential changes must be made in the Standing Orders in view of our award in respect of issues 10(*b*) and 10(*c*).

(f). Fines and other punishments.—This sub-issue has already been discussed sufficiently when dealing with Standing Orders.

Issue No. 11—Working hours and spread over: Grace period for late attendance.—Under section 34 of the Factories Act, 1934, no daily worker shall be allowed to work in a non-seasonal factory for more than 48 hours in a week. Under section 36 no daily worker shall be allowed to work in such a factory for more than 9 hours in a day. Section 37 provides for intervals or rest. It provides that no worker shall work more than 5 hours before he has an interval for rest for at least half-an-hour. Section 38 provides for spread over. In the case of a daily worker in a non-seasonal factory, the spread over shall not exceed 10½ hours. The industrial concerns conform to the Factories Act. The Labour Unions jointly demand that the weekly working hours should be reduced to 40 hours and that the maximum daily working hours should be 8 hours and further that the working hours should be reduced to 36 hours per week for shift workers. In support of this claim the representatives of the Labour Unions have referred to the International Labour Organisation Convention, and to the practice obtaining in the U.S.A. In America, however, the work is much more i tensive, *i.e.*, the pace of work is much higher. India due to climatic and other conditions t pace of work is not nearly so high. Prior to 194 the working hours in non-seasonal factories India were 54. After the International Labo Organisation Convention recommending a 40-ho week, the Factories Act was amended reducing t working hours in India to 48 hours per week. A extensive amendment of the Factories Act is no under consideration and a new Factories Bill h actually been introduced in the Central Legisl ture. Even in the new Factories Bill, the max mum working hours per week have been kept a 48 and the existing arrangement as to spread over interval for rest, etc., kept intact. It may be in ferred, therefore, that in the considered opinio of the Government, no change in the working hours and spread over is at present necessary. The rules as to working hours ought to be uniform all over India, for industries in Bengal are subject to competition with industries in other Provinces. In the circumstances we see no reason for any change in the working hours and spread over as fixed by the Factories Act, 1934, as amended in 1946. Any amendment regarding working hours and spread over ought to be left to legislation. Accordingly, the claim for a change in working hours and spread over is rejected.

As to grace period for late attendance, the Engineering Associations have mentioned their present practice in the Draft Standing Orders. Rule 11 of the Draft Standing Orders of the Engineering Association of India provides that if any worker is late, he should be permitted to enter the factory up to half-an-hour after the notified time and pay for half hour's work shall be deducted from his wages subject to a grace of 10 minutes after the notified time; the worker shall be entitled to enjoy this privilege of grace period in attendance only once a week; and any worker who is more than half-an-hour late, shall not be permitted to enter the factory except with the permission of management. Rule 10 of the Draft Rules of the Indian Engineering Association provides that if any worker is late, he shall be permitted to enter the factory up to half-an-hour after the notified time and the pay for half-an-hour shall be deducted, subject to a period of grace of five minutes after the notified time. In this case there is no provision that the grace period should be enjoyed once a week. But at the time of hearing the counsel for the Indian Engineering Association has said that there is an existing rule that the total period of grace for a working week shall not exceed 10 minutes, *i.e.*, a worker may be allowed grace of five minutes on only two working days in a week.

The Labour Unions have claimed that a grace period of 15 minutes a day subject to a maximum of 45 minutes in a working week should be allowed. We consider, however, that this is an unreasonable claim. A rule allowing such a long grace period would tempt many workers to be habitually late and would thus effectively hamper work. If the worker is as much as 15 minutes late, he ought to be prepared to surrender pay for the first half-an-hour. On the whole we consider the rules adopted by the two Engineering Associations as reasonable and we would only provide that the grace period may be either 10 minutes on a single day or 5 minutes on two separate days in a week.

Issue No. 12—Overtime pay: Overtime for multi-shift workers.—The rules for overtime pay are contained in section 47 of the Factories Act, 1934. When a worker in a non-seasonal factory works for more than 9 hours in a working day or more than 48 hours in any week, he shall be entitled to twice the ordinary rate of pay for the excess period. Regarding ordinary overtime pay, there is no dispute. The Engineering Workers' Federation demanded overtime pay if any work is done on

aday or a holiday. About this, however, there a provision in the Factories Act. Section 35 vides that no daily worker shall be allowed to rk on a Sunday unless he has had or will have holiday on one of the three days immediately ore or after that Sunday. Section 35A provides compensatory holiday, when there is work on prescribed holiday. For the Engineering sociations it is represented that if a work is to done on a holiday or Sunday, the worker gets ompensatory holiday and there is no reason why vorker should be paid overtime pay. We think t the existing system should be followed and claim for overtime pay for work on Sunday or iday is rejected.

Next, there is the claim for overtime pay for ght shift workers. The Belur Iron and Steel rkers' Union have claimed that night shift rkers should get an allowance equal to 50 per t. of the basic pay for the discomfort to which y are subjected for having to work at night. to this claim, the reply of the Engineering sociations is that the output of the workers at ght is 65 to 67 per cent. of the output in the day e, but still the workers are paid at the same e and there is no reason, therefore, for giving extra allowance to night shift workers. It is ther represented that night shift workers are linarily selected on a voluntary basis, and when any factory continuous work is necessary for y technical reason, workers are taken on the derstanding that they will have to work on night ifts also, and accordingly there is no reason for special allowance.

The Unions have denied the statement that the tput of the night shift worker is not equal to output of the worker in the day time, and it is her urged that some Engineering Firms ally pay a small allowance to night shift ers. It may be true that during war years duce workers to work at night, a small extra wance was paid to night shift workers. The esentative of the Chamber of Labour has luced a pamphlet regarding the system at burgh. It appears from the pamphlet that the ineering Workers at Edinburgh get an allow- of 1/5th or 1/6th of the basic pay when put night shift, but this also appears to be a war measure. Having fixed the minimum wage he workman on the basis that he must have gh for a minimum decent standard of living, re not inclined to add an extra allowance for at night. The claim for overtime pay for d shift worker is, therefore, rejected.

sue No. 13—Working conditions and sanitary ngements in Factories.—Chapter III of the tories Act, 1934, makes the necessary provi- regarding working conditions in factory and tary arrangements in factory. Section 13 deals cleanliness, section 14 with ventilation, sec- 15 with artificial humidification, section 16 cooling, section 17 with overcrowding, section ith lighting, section 19 with water, section 20 latrines and urinals, section 22 with autions against fire and section 23 with means scape. There are other provisions requiring ection against dangerous machinery or moving s of machinery. If these provisions are perly observed, there will be no reason for plaint against working conditions or sanitary gements in the factory. It is for the Factory ector to see that the statutory provisions in connection are enforced. The Labour Unions agreed that there is no matter for adjudica- in this issue and therefore we leave the issue a recommendation that the employers should hat the provisions of Chapter III of the ories Act are properly observed.

ue No. 14—Medical facilities.—The Belur Iron Steel Workers' Union has made the following nds under this head :—

that for all factories one whole-time doctor me whole-time [illegible] should be provided :

(*b*) that medical facilities should be extended to workers' families;

(*c*) that hospitals should be maintained in major factories where workers number over 1,000;

(*d*) that for smaller factories arrangements for beds in public hospitals should be made; and

(*e*) that the company should bear medical expenses and other incidental expenses in case of injury during working hours.

The other Labour Unions have made more or less similar demands.

The Engineering Associations' case is that the responsibility for ensuring proper medical facilities to the workmen is that of the State and not of the employers and that the State has the subject under consideration already and that the Tribunal, therefore, should make no award regarding this issue. The Engineering Associations have also referred to the Main Report of the Labour Investigation Committee at pages 357-360 in this connection. The Labour Investigation Committee observes that while the employers have a duty towards the workers in mitigating their physical suffering in so far as it is directly due to industrial employment, the society as a whole must share the responsibility for industrial employment with all its attendant evils and to that extent must be regarded as liable to bear a part of the cost of medical facilities specially meant for hazardous or physically uncomfortable employment. The Committee takes the view that provision of medical facilities is primarily the responsibility of the State, but that this should be supported by employers and workers themselves, and that a unified scheme of Social Insurance providing for factory workers' medical care in respect of the three contingencies of sickness, employment injury and child-birth would be a step in the right direction. The Committee observes further that at the same time there is a residue of medical amenities which can be rightly regarded as the sole responsibility of the employer, viz., the provision of first-aid in the event of sudden sickness or an accident, the provision of ambulance and the maintenance of standards of industrial hygiene.

The Government of India have already passed an Act (Employees' State Insurance Act, 1948) providing, in addition to an allowance during a specified period of sickness, for medical attendance in the case of sickness and injury and child-birth. As regards what the Labour Investigation Committee describes as the sole responsibility of the employer, there is provision in the existing Factories Act and the rules made thereunder. Section 32 of the Factories Act, 1934, provides that Provincial Governments may make rules requiring the Managers of Factories to maintain stores of first-aid appliances and provide for their proper custody. The Bengal Government have made some rules in this connection. Rule 41 of the Bengal Factories Rules, 1940, provides that in every factory a readily accessible first-aid box or cupboard of the standard laid down in rule 42 shall be kept and where there are more than 150 workers in a factory, there should be one additional first-aid box or cupboard for each additional 150 workers. The rule further adds that the box or cupboard should be kept in charge of a responsible person who should be readily available during the working hours. Rule 42 specifies what should be the contents of the first-aid box. Rule 43 provides that where the Inspectors think necessary, stretchers for carrying patients to hospitals should be provided.

The Labour Unions have referred to the comment of the Labour Investigation Committee's Main Report, that though rules have been made in this connection, in a number of cases, the contents of first-aid boxes have not been renewed after they had been used up, and there is no certainty that the first-aid boxes are ever used at all by the

employers in the event of accident or sudden sickness, and in most places there is no one trained in first-aid, with the result that when an accident occurs, no relief can be administered on the spot, and the worker has to be removed to some public dispensary or hospital. The Committee comments that absence of any obligation on the employers to maintain a person trained in first-aid has practically nullified the provisions made by the rules. The new Factories Act introduced into the legislature has remedied this defect, and has made certain additional provisions. The matter is no longer left wholly to the rule-making power of the Provincial Government, but incorporated in the Act itself. Section 45 of the proposed Act makes it incumbent on the managers to keep first-aid boxes. Sub-section (2) of section 45 provides that such boxes and cupboards should be kept in charge of a responsible person who is trained in first-aid treatment and who shall always be available during the working hours of the factory. Sub-section (3) provides that in every factory wherein more than 1,000 workers are ordinarily employed, there shall be provided and maintained an ambulance room or dispensary of the prescribed size, containing the prescribed equipment and in the charge of such medical and nursing supervisory staff as may be prescribed. Thus the new Act contemplates that in every factory an adequate number of first-aid boxes should be maintained in charge of a fully responsible person, trained in first-aid, who shall always be available during working hours. The Engineering Associations have supplied information as to the extent to which medical facilities are provided at present by the different companies. It appears that in many of the bigger factories, there is a part-time doctor and free medical attendance is provided to the workmen, and in some few of the bigger factories, there are whole-time doctors, and free medical attendance and free medicines are provided to the workmen. Some, however, have only a first-aid box and it does not appear that they have a man trained in first-aid to attend cases of accidents or sudden illness. It would appear that some have no arrangement at all, although the provision of at least one first-aid box is essential under the Factories Act and the rules thereunder.

In view of the various circumstances discussed above, we direct that the provisions of the proposed new Factories Act be followed and that every factory, where more than 1,000 workers are employed, do provide and maintain an ambulance room or dispensary with a whole-time doctor and necessary assistants, and that in other factories the necessary number of fully equipped first-aid boxes be kept in charge of a responsible man fully trained in first-aid, who will be available during the working hours of the factory. We also direct that in every factory a stretcher be provided for the conveyance of injured persons to the nearest public hospital or dispensary. We also recommend that factories employing more than 100 workers should provide a part-time doctor for attending to the workmen, if they have not already done so.

Issue No. 15—Canteens.—In the Factories Act, 1934, there is no provision for canteens. The new Factories Act now pending before the Central Legislature contains a provision as to canteens. Section 46 provides that the Provincial Government may make rules providing that where more than 250 workers are ordinarily employed, an adequate canteen shall be provided and maintained for the use of the workers. For refreshment of the workers during rest period, it is necessary that the management should provide canteens at or near the factory premises, for it cannot be expected that workmen should go to their homes, situated at distant places, for refreshment. The Associations have prepared a statement regarding canteens maintained by the companies. The statement shows that only a few of the companies have made adequate provisions for canteens. Most of them have done nothing in the matter and it is represented that in the Calcutta Industrial Area, it would be very difficult to make adequate provisions for canteens because of the la of necessary accommodation. It is also urged th caste and religious prejudices of the workm themselves would stand in the way of starting canteen. We recognise the difficulties in the w of starting canteen facilities by the companie particularly the small companies. We recommen however, that companies employing 250 workm or more should start canteens as soon as possi for providing refreshment during recess period workmen.

The Unions have claimed that such cantee should be under joint management of the employ and employees. We think, however, that joi management may not work smoothly. T responsibility for proper management must r with the management. A small Advisory Co mittee containing representatives of both employ and employees may be formed to help the mana ment in running the canteen. There has also be a claim made by the Union that canteen sho supply refreshments at a concession rate. We fi that some firms are giving refreshments at pres at a concession price, and we hope they will conti to do so; but we do not think that it is reasona to claim that all firms will supply refreshments a concession price. We would recommend, howev that the supply should be made at a price j sufficient to meet the cost of the canteen.

Issue No. 16—Recreation arrangements.—T demand for recreation arrangements originally ca from the Iron Factory Workers' Union, but dur the hearing, the other Unions have also joined making the demand. In the new Factories A now before the Legislature, there is a provis for a shelter and rest room. Section 47 provi that in every factory where more than 150 work are ordinarily employed, suitable rest rooms sho be provided and that any canteen maintained sh be regarded as part of the accommodation requi by the section. When such shelters or rest ro are provided with or without canteen facilities workmen will have sufficient opportunity to re themselves during the recess period. recommend, therefore, that such shelters and rooms be provided with some arrangement recreation at a low cost, wherever such arra ment can possibly be made.

Issue No. 17—Provision of uniforms dresses.—The Labour Unions have made a dem for uniforms for durwans and peons, and they h demanded articles of dress like full pants, pants and half shirts for workers working excessive heat, and for workers working dangerous fluids, on the ground that by exces heat or by spraying of acids their dress is li to be rendered unserviceable at frequent inter

The Engineering Associations have urged the matter of provision of uniforms to peons durwans should be left to the discretion of employers, and that the question of dres workers working in dangerous situations is alr covered by the Factory Rules. Rule 28 of Bengal Factories Rules, 1940, provides that person who goes to remove, replace or othe attend to a driving belt, or to oil, attend t work in proximity to exposed parts of mo machinery, or to attend to moving part machinery, for the purpose of repair, examina cleaning, lubricating or altering the ge arrangements, or to work at a height near mo machinery, shall wear tight trousers and shal wear any loose clothing, like *dhoti*. The co tion of the Employers' Associations is that in cases tight trousers or half pants are provide the company and as such no award is neces As to durwans and employees of similar cate their uniforms are frequently an advertisemen the particular company employing them, a the company wants the durwans or similar ployees to be in such uniforms the employer provide them. Actually the employers do pr

the durwans and similar employees with their uniforms. We do not, therefore consider it necessary to make any award regarding the provision of uniform and clothing.

Issue No. 18—Bonus for past years and for future: Bonus for increased production.—(*i*) The first claim for bonus is that a special bonus equal to three months' wages be given to compensate the workers for their production during the war years. It is urged that during the war years, high profits were earned by most of the companies, while dearness allowance was not given to the workmen at a sufficient scale to compensate fully for the rise in prices, and that, therefore, the workmen are entitled to such a special bonus for the war years. We must hold, however, that the claim for such a special bonus for the past years to compensate workers for the insufficient scale of payment during those years cannot be entertained by an Industrial Tribunal, because the matter does not fall within the definition of an industrial dispute. Section 2 (*j*) of the Industrial Disputes Act provides that industrial dispute is any dispute or difference which is connected with the employment or non-employment or the terms of employment or the conditions of labour of any person. A claim for compensation for inadequate pay for past years is not a term of employment. The other clauses in the definition clearly do not apply. It is possible that many workmen who served a particular company during war years are no longer in service and that new men are now working under the company. The claim for compensation for war years, therefore, can in no case be a subject matter of an industrial dispute. The Labour Unions have referred to a particular award made by Mr. Justice Divatia in the Imperial Chemical Industries Case published in the Labour Gazette, Bombay, in November 1947. Mr. Justice Divatia entertained the claim for bonus for war years on the ground that there was inadequate dearness allowance paid by the company in those years. He allowed bonus at half month's pay for each year's service for five years from 1940-1944. But that award was passed under the Defence of India Rules which gave wider powers to the adjudicators. An adjudicator appointed under the Defence of India Act could adjudicate upon any matter which was the subject matter of a claim by one party and refused by the other party. An industrial dispute, however, is governed by the provisions of the Industrial Disputes Act and the Tribunal cannot take any adjudication where a particular claim does not come within the definition of an industrial dispute as defined in that Act. Accordingly the claim for bonus for the past years is rejected.

(*ii*) Next, there is a claim for bonus for the future. The Belur Iron and Steel Workers' Union has claimed that there should be an annual bonus at a flat rate, the amount being determined by dividing 25 per cent. of the gross profits by the number of the employees. The claim for 25 per cent. of the gross profits must be regarded as an unsupportable claim. If labour were to receive no wages from week to week, there might be some justification for arguing that the gross return earned by the factors of production should be divided among the factors of production equitably, and the gross profits might be divided more or less equally between capital, labour, management and the State (taxes). Where, however, labour receives remuneration from week to week or from month to month, the claim for 25 per cent. of the gross profits even before the State Taxes have been paid, cannot be entertained for a moment. The Chamber of Labour and the Engineering Workers' Federation have suggested that out of the gross profits, the taxes should be paid, the preference shareholders should be paid their stipulated dividend, the ordinary shareholders should be paid up to 4 to 5 per cent. dividend, and the outstanding losses, if any, carried over from the past years should be wiped out, and of the net balance, 25 per cent. should be distributed among the employees as general bonus. Reference has been made to a scheme agreed between the management and the Union of the Tata Iron Works, where after meeting all expenses and providing for past losses and paying 5 per cent. to ordinary shareholders, 22½ per cent. of the net balance is distributed as bonus among the employees. The main argument advanced by the Unions in support of the claim for a general or profit-sharing bonus is that in the changed conditions of the world today, labour should be treated as a partner, and a general scheme of profit-sharing would be evidence of such recognition.

The Engineering Associations have strongly opposed the claim for a general bonus. Their argument is that bonus is a matter essentially and inherently within the individual firm's discretion; that it cannot be treated as belonging to the recipient as of right, but is an extra and ex-gratia payment; that workers cannot claim a share of the profits as they do not bear a share of the losses; that the claim for profit-sharing is not consistent with the claim for full living wages and other amenities irrespective of the question whether or not the firm is able to bear the burden; that if profit-sharing were introduced it might lead to a combination between labour and capital at the cost of the consumer or the general public; that profit-sharing has not been found to make for industrial peace where it has been tried, and that no international labour convention has ever recommended the acceptance of the system. It is further urged that no industrial tribunal has ever sought to lay down a principle of profit-sharing bonus; but that tribunals have proceeded on the footing that where a firm has allowed bonus from profits in past years, it may be asked to pay a bonus on the same lines when it is shown that the firm has earned similar profits in the year under dispute. The Associations have cited a large number of awards in support of their contention. The labour unions referred to Mr. S. C. Chakrabarti's award in the Standard Vacuum Oil Company cases published in the *Calcutta Gazette* of the 8th April 1948, contending that in that award the principle of a general bonus was recognised. But we cannot agree that principle of profit-sharing was given any recognition in that award. On the other hand, Mr. Chakrabarti observed in the award that the scheme that some firms had, of paying low wages and supplementing wages by an annual bonus, was not a good system, and that in such cases it was desirable to increase the wage structure; Mr. Chakrabarti raised wages in the case and did not allow the claim for bonus at all.

We must agree, therefore, that no tribunal has sought to lay down a principle of profit-sharing bonus, far less to evolve a scheme for calculating such bonus. The question of profit-sharing bonus raises a matter of principle which is for the Government to decide in consultation with the representatives of capital and labour; and the Government of India have recently appointed a representative Expert Committee for investigating all the aspects of the question. It may be expected that on considering the report of the committee, the Government will finally decide whether the principle of profit-sharing should be adopted in India, and if so, how such bonus should be calculated in the different industries. Accordingly we leave open the issue of future general or profit-sharing bonus.

Next, there is the question of bonus for the financial year last ended. In connection with this question, the rule adopted generally is that where a particular firm has been paying bonus from profits for several years, it should pay bonus for the year last ended provided it earned similar profits in that year. We find from the statements

submitted before us by the Engineering Associations that some firms paid bonus in past years, though the majority of firms did not do so. But we are not in a position to make any award on bonus on the result of the last financial year, because no company has placed the balance sheet of the year ended on 31st March 1948 before us. Accordingly we shall leave this issue with the recommendation that the companies which have been paying a bonus in the last few years, should pay a bonus for the year just ended if circumstances are similar, i.e., if they have earned comparable profits.

(*iii*) Lastly, there is the question of bonus for increased production or production bonus. This matter we have already touched upon when dealing with issue No. 2 (*a*). Only a few companies have production bonus and we are not in a position to direct the introduction of a system of production bonus, because this cannot be done without working out standard production and apportionment of the contribution to the standard production by the different workmen. This could only be done by an expert or a committee of experts. The Belur Iron and Steel Workers' Union gave up the claim for production bonus in the course of hearing of the case; the Engineering Workers' Federation suggested that an expert committee might be appointed for each separate type of industry to evolve a scheme of production bonus. We recommend that some steps be taken for working out the standard production and evolve a scheme of production bonus, for a scheme of production bonus is likely to increase production; and further when standard production is known, it would be comparatively easier for both employers and employees to deal with "go slow tactics" that are sometimes adopted or alleged to be adopted by the workmen.

Issue No. 19—Recognition of Unions.—The Associations have pointed out that under the amended Trade Unions Act recently passed by the Indian Legislature, recognition of Unions under certain conditions can be forced upon the employers by the Labour Courts when they are set up under that Act, and they have suggested that this Tribunal should not, in the meantime, take upon itself the functions of the Labour Courts to be set up under the amended Trade Unions Act. We agree that the matter of recognition of Unions should be left to negotiation or to the decision of the Labour Courts when set up. Further, generally speaking, the Unions of workmen of individual concerns have not appeared before us. The workmen have been represented by federations of smaller Trade Unions, viz., Belur Iron and Steel Workers' Union, Bengal Chamber of Labour, Engineering Workers' Federation and the Indian Federation of Labour. So we must dispose of the issue of the recognition of the Unions by saying that the matter is left to negotiation between the parties and, in default, to adjudication by the Labour Courts which are expected to be set up shortly under the amended Trade Unions Act.

Issue No. 20—Application of the Award of this Tribunal to firms which have existing awards binding on them.—Seven of the companies before us have existing awards binding on them. The names of the companies and the periods for which the existing awards are binding are shown below—

Name of the Company and Period.

(1) The Aluminium Manufacturing Co., Ltd.—One year from 1st March 1947.

(2) The Venesta, Ltd.—One year from 15th May 1947.

(3) The Bhartia Electric Steel Co., Ltd.—One year from 28th August 1947.

(4) The Associated Electrical Industries—Six months from 5th November 1947.

(5) Messrs. Burn & Co., Ltd. (Howrah Iron Works)—One year from 1st July 1947 or till the award of the Tribunal.

(6) The India Electric Works, Ltd.—Six months from 1st August 1947.

(7) The National Carbon Co. (India), Ltd.—One year from 6th January 1948 or till the award of the Tribunal.

It will be seen from the above table that in some cases, the existing award expired before 1st April 1948, the date from which we propose to make our award effective; and in two cases most of the points were left open and the award on the remaining points was made effective only till the award of this Tribunal. In these cases, therefore, there is no legal difficulty in the way of the application of the award of this Tribunal. In the remaining cases where the award has not expired or did not expire before the 1st of April 1948, we could make the provision that our award would be effective on the expiry of the existing awards. There is, however, a difficulty that by most of the awards the minimum remuneration was raised beyond the figure at which we have fixed the same; and reducing the pay of the workmen in accordance with the award of this Tribunal might give rise to discontent. We, therefore, direct that while on all other points, the award of this Tribunal will come into force from 1st April 1948 or from the date of the expiry of the existing awards concerning those companies, the pay of the existing staff should not be adversely affected by this award. In the case of Burn & Co., Ltd., the attendance bonus, which was awarded, will continue to be paid to the existing employees, but the employer need not give an attendance bonus to the new employee unless he desires to keep the system in vogue for securing good attendance.

SOME SPECIFIC CASES:

I. Hindusthan Development Corporation.

This company has asked for special consideration as regards the basic pay and the dearness allowance to be allowed to the employees, on the ground that it is a company which was registered towards the end of 1944 and started work only from 1st July 1946; and as such it has no reserve of war profits to fall back upon, but it has to build up its position painfully. The present rates of wages in the company are as follows:—

Boy	Rs. 10 to Rs. 16.
Unskilled workman	Rs. 20.
Karigar	Rs. 22.
Mistry	Rs. 55.
Clerk	Rs. 50.

There is a dearness allowance of Rs. 20 per month in each case.

The Union of workmen of the company in a letter, dated 27th May 1947, demanded that the minimum wage should be fixed as follows:—

Boy ..	Rs. 20+Rs. 20 as dearness allowance +Rs. 5 as house allowance.
Unskilled workman ..	Rs. 30+Rs. 20+Rs. 5.
Karigar ..	Rs. 35+Rs. 20+Rs. 5.
Mistry ..	Rs. 70+Rs. 20+Rs. 5.
Clerk ..	Rs. 50+Rs. 25+Rs. 10.

The Company has produced figures showing the result of the working of the Company during

ear ending on 31st December 1946. The profits arned are shown as Rs. 21,518-3-6. In the ritten statement filed by the Company on 7th lay 1948, the Company has shown that if the ompany has to meet even the claim made by the nion on 27th May 1947, the Company would have incur an additional annual expenditure of s. 1,48,184 and the Company's contention is that is absolutely unable to bear this burden, not speak of the much greater burden which would e imposed if the demand made by the Union rough Belur Iron and Steel Workers' Union be ccepted. It has been urged strongly that to npose even the pay scales demanded in the letter the Union, dated 27th May 1947, on the Comany, would be to crush the Company in its fancy. Accordingly the Company has offered e following terms, viz., that the minimum basic y of the unskilled worker should be Rs. 25; that e minimum basic pay of the Karigar should be s. 30 and that the wages of others should remain nchanged and there should be a flat dearness lowance of Rs. 20 per month for all employees. 'e must consider the offer made by the Company unacceptable. Though the Company is a comratively new Company, the balance sheet for the ar ended 31st December 1946, which the Comny filed at the demand of the Union, shows that e Company has an issued capital of one ore fifty lakhs, out of which the paid-up pital is Rs. 96,05,425. The Company acquired e Engineering Factory of Messrs. Beruck and mens, Ltd., about the middle of 1946 at the cost less than half the paid-up capital and Rs. 21,518-3 is the profit earned from the Engineering partment alone by working the factory under the mpany's management for six months, i.e., last lf of 1946. Taking into account the return on the vestment of the balance of the capital, the net ofits earned in 1946 came to Rs. 55,319-15-1. may be reasonably expected that the result of full year's working of the Engineering Factory uld show at least double the profit earned in months; and the balance of the paid-up capital, invested in industry, may be expected to bring better return than it is doing at present in Govment securities. The extra annual expenditure Rs. 1,48,184, which the Company says that it ll have to incur by accepting the demand of th May 1947, includes the claim for bonus equal one month's pay, the cost of which would be . 35,000. No question of bonus can however se until the Company should build up a practice paying bonus, which it has not done so far. rther we are not fixing the wages of mistries or lled workmen, but leaving it to the Company to so. Hence the actual extra expenditure which Company will have to incur as the result of general award would be much less than the ure shown, and we think that the Company uld be able to spend that extra money without ning into loss. We are referring to the demand de on 27th May 1947, because the award we are king in the general case regarding the unskilled rker and the Karigar or the semi-skilled worker pproximately equal to what the Union demandin the letter of 27th May 1947. Accordingly reject the claim of the Hindusthan Developnt Corporation, Ltd., for specially low rates of ic pay and dearness allowance.

There are two special issues relating to this mpany and we now proceed to consider them.

ue No. 19—(a) Recognition of Beruck and Comens Labour Union.

We have stated before that the Hindusthan velopment Corporation, Ltd., purchased the gineering Factory which was previously owned Beruck and Comens, Ltd. The Union was rmed while the Factory was still owned by ruck and Comens, Ltd., and therefore the Union known as Beruck and Comens Labour Union. ere has been some correspondence between the Union and the present Company regarding recognition of the Union, and it appears that the Company insisted on the Union changing its name to Hindusthan Development Corporation Employees' Union, before according recognition. The representative of the Union as well as the representative of the Company appeared before us on 11th February 1948, and the representative of the Union said that the Union would be renamed as Hindusthan Development Corporation Labour Union; but since then the Union has taken no steps to alter its name, and at the time of hearing, the representative of the Union said that it was not at present willing to alter its name. In the circumstances the Company is unwilling to recognise the Union.

Since there is no chance of recognition by mutual agreement, the question of recognition must be left to adjudication by Labour Court, which will be set up under the amended Trade Unions Act.

Issue No. 23—Retrospective effect from 27th September 1946 of the additional dearness allowance granted by the Corporation from 1st January 1947.

When the Hindusthan Development Corporation took over the Engineering Factory from Messrs. Beruck and Comens, Ltd., in the beginning of July 1946, the dearness allowance was only Rs. 7-4 *plus* the food subsidy, the value of which was Rs. 2-12. Thus the total dearness allowance including food subsidy was Rs. 10. The Union made an application to the Company for enhanced dearness allowance and the Hindusthan Development Corporation, Ltd., increased the dearness allowance including the food subsidy to Rs 20 with effect from 1st January 1947. The Union demanded that the increased dearness allowance should be given from 27th September 1946, the date of the application, but this was refused by the Company. The Company's case is that when it received the application of the Union, it referred the matter to the Labour Commissioner, and after some negotiation between the parties, the Labour Commissioner wrote letter No. 9631L., dated 12th December 1946, to the Manager, Hindusthan Development Corporation, Ltd., observing that the dearness allowance was inadequate and recommending that a minimum dearness allowance of Rs. 20 including food subsidy should be granted to the workers. A copy of that letter has been produced by the Company. On receipt of this letter the Company increased the dearness allowance to Rs. 20 from 1st January 1947, and the Company's case is that in the circumstances, it cannot be asked to pay dearness allowance at the increased rate with effect from 27th September 1946, the date of the application. The new Company doubled the rate of dearness allowance within six months of taking over the Engineering Company from Beruck and Comens Co., Ltd., and the Union also after having made the claim for enhanced dearness allowance succeeded practically within three months in getting a much enhanced dearness allowance. We think that the Union ought to be satisfied and not press for enhanced dearness allowance from the date of the application. Moreover a claim for arrear dearness allowance is hardly an industrial dispute, because the claim for such dearness allowance cannot be a term of employment. Accordingly the claim for arrear dearness allowance from 27th September 1946 is rejected.

II. Messrs. T. E. Thompson & Co., Ltd.

The employees of Messrs. T. E. Thompson & Co., Ltd., have been represented separately through Thompson & Co. Workers' Union. Most of the demands of the Union are, however, covered by the demands made by the four major Unions and accordingly it is not necessary to discuss the general issues over again. It may be noted that Thompson & Co. Workers' Union has already been recognised by the Company and so in this case there is no question of recognition of the Union. One

special point, however, has been urged in connection with the issue of retiring benefits. The Company was converted from a Sterling Company to a Rupee Company on 31st March 1947; the old Company went formally into liquidation; and the Rupee Company, which took over, gave formal notices of termination of employment as well as fresh appointment letters to all the employees on 1st April 1947. The Union demands that the services of the employees should be taken as unbroken and continuous for the purpose of retiring benefits. Legally, however, we must hold that such a direction cannot be made. We can only recommend to the new T. E. Thompson & Co., Ltd., that it should consider the claim in respect of past services favourably as far as possible in the matter of retiring benefits.

There are two special issues concerning the Company and they are next taken up.

Issue No. 21—Retrospective effect of dearness allowance from January 1946.

The basic pay as well as the dearness allowance paid by the Company is low. The basic pay was still lower before April 1946 and Rs. 10 per month as War Allowance was introduced some time after the commencement of the World War II; but with effect from 1st May 1946 the basic wage rates were revised and dearness allowance was abolished. Since then an attendance bonus at 1 anna 6 pies per hour has been introduced. For the Company, it has been urged that this is practically equivalent to dearness allowance. But even if the employees attend for 48 hours per week and work 26 days in the month, the dearness allowance would come to only Rs. 19-8 per month. Even the revised basic pay is low. The present rate of pay for unskilled labour is Re. 1 per day. To compensate the workmen and other employees for the low remuneration paid by the Company, the Union has demanded that retrospective effect should be given to the dearness allowance fixed by this Tribunal and that such dearness allowance should be payable from January 1946. We must hold, however, that such retrospective effect cannot be given to our award in respect of dearness allowance. Moreover the claim for compensation for past years is not properly a matter within the definition of an industrial dispute. Accordingly, the claim for retrospective dearness allowance is rejected.

Issue No. 22—Independence Day Bonus.

The Union has claimed this bonus because many firms have already given this bonus. The Union has further advanced the reason that the Company is affiliated to the Bengal Chamber of Commerce, and the Bengal Chamber of Commerce issued a circular to its members recommending payment of an Independence Day Bonus. But the claim for such a bonus is not properly an industrial dispute, because no term of employment can include the condition that such a bonus should be paid. Many firms no doubt paid the bonus, but the bonus must be regarded as an *ex gratia* payment, and if any firm refuses to pay the bonus, the Tribunal cannot direct it to pay the bonus. Accordingly the claim for Independence Day Bonus is rejected.

III. Indian Air Survey and Transport, Ltd.

The name of the Company has been changed to Air Survey of India, Co., Ltd., from 1st April 1948, but such alteration in the name of the Company does not make any difference so far as the award of the Tribunal is concerned. The demand of the Indian Air Survey Employees' Union is that this Tribunal should fix the grades and scales of pay for the skilled and highly skilled employees of the Company for most of the employees of the Company are skilled and technical men. The main business of the Company is preparing survey maps of different localities by taking photographs from the air. Thus the Company has to employ the necessary staff for an air line including Ground Engineers and it has to employ specially skilled surveyors and photographers. It has been urged that the employees will not be benefited substantially if the Tribunal fixes the minimum pay of the unskilled worker or even of the semi-skilled worker.

We have, however, decided to leave the question of classification of skilled and highly skilled workers to a Committee of Experts to be appointed by the Government, and without such classification it would be difficult to fix the proper grades and scales of pay wanted by the Union. Moreover we have not the data before us to show the pay earned by skilled and technical men in the comparable services. Accordingly we must leave the question of fixation of grades and scales of pay for the skilled workmen and technicians in the service of the Company to be fixed by negotiations between the Company and the Union. If negotiations fail, the special case of the Company may be referred to a Tribunal which may decide the point at issue by appointing, if necessary, an expert assessor to help him to assess the work of the various categories of workers of the Company.

The general award of this Tribunal will apply as far as possible to the employees of this Company.

IV. French Motor Company, Ltd.
V. Walford Transport, Ltd.

The cases of these two Motor Companies have been argued before us separately. Before October 1947 the minimum basic pay of the unskilled worker of the Companies was Rs. 20 and dearness allowance was paid at the rate of Rs. 22. In October 1947, an agreement was reached between Mr Wazid Hassan, General Secretary of the Bengal Motor and Transport Workers' Union and the two Motor Companies, that the minimum basic pay would be raised to Rs. 30 and dearness allowance also to Rs. 30 per month with effect from 1st October 1947. The Companies implemented the agreement and raised basic wage of the unskilled worker to Re. 1-2-6 per day. The Companies also revised the pay of the other categories of workers. These Companies have filed charts showing the rates of pay of the different categories of workers. There are two grades of unskilled workers drawing Re. 1-2-6 and Re. 1-3-6 per day; for the semi-skilled there are three grades, viz., Re. 1-4, Re. 1-6 and Re. 1-8; for the skilled there are grades rising by 2 annas from Re. 1-10 to Rs. 3 per day.

In respect of the clerical staff, the Companies have adopted the four grades and scales of pay recommended by the Bengal Chamber of Commerce. The subordinate staff are on the grade Rs. 20—1—35, but they also get dearness allowance at the rate of Rs. 30 per month.

The Unions have demanded that the minimum basic pay should be fixed at Rs. 40 and dearness allowance should be Rs. 45 per month. We direct, however, that the award made by us in the general case will apply to the Companies as far as possible. In respect of the unskilled workmen, the total remuneration drawn by the existing staff should not be disturbed. As regards the subordinate staff, their total remuneration should remain unaffected, but the basic pay may be increased by Rs. 5 and dearness allowance decreased by the same extent. For the clerical staff, grades D and C will be replaced by the grades recommended by us, viz.—

Rs. 60—2/8—90.

Rs. 70—4—130.

The other two grades would remain unaffected. The semi-skilled worker will get a daily wage at the rate of Re. 1-5-6.

There is a claim that the minimum pay of the pervisor should be raised to Rs. 125 per month. e minimum pay of the Supervisor at present is 3/4 per day, but rises by increaments of 4 as to Rs. 5 per day. We do not consider it essary to make any alteration in this scale of

n respect of the Walford Transport, Ltd., the in question that has been urged before us is question of recognition of the Union. Previously many of the workers of this Company e also members of the Bengal Motor and nsport Workers' Union, but the workers of lford Transport, Ltd., have broken away from t Union and have formed a new Union under name Walford Transport Workers' Union. Company has agreed that this Tribunal ld decide which of the two rival Unions ming to represent the workers of the Company, Company should recognise. Having gone ugh the Membership Register and other ers produced by the two Unions, we are sfied that the new Union, viz., the Walford nsport Workers' Union, commands allegiance he majority of the workers of the Company. of 600 workers, 560 are members of this on. Accordingly, we direct that Messrs. ford Transport, Ltd., should accord recogni- to the Walford Transport Workers' Union and to the Bengal Motor and Transport Workers' n.

ne other issues discussed before us are covered he issues in the general case and the general d will govern these Companies and their men.

e give a summary below of the main points ir award :—

The minimum basic wage of the unskilled er is fixed at Rs. 30 per month or Re. 1-2-6 day.

e minimum basic wage of the semi-skilled er is fixed at Rs. 35 per month or Re. 1-5-6 day.

e do not fix the minimum basic wages of the d and highly skilled workers, but direct that mployers should give suitable increase in the of the skilled and highly skilled workers nsultation with the workers concerned, in of the increase in the wages of the unskilled emi-skilled workers.

time-scales of pay are fixed for the different ories of workers; the existing system of oting a worker from one grade to another as hen he improves in skill and efficiency d be retained for the present.

ordinate staff.—For peons, we fix the grade, 5—1—40, for durwans, we fix the grade, 0—1—45. For drivers of cars, we fix the mum basic pay of Rs. 55 per month and for s of lorries, we fix the minimum basic of pay 60 per month.

rical staff.—The following three scales of re fixed for lower grade clerks :—

For non-matriculate or out-door clerks like tally clerks—Rs. 55—2½—80.

) For matriculate but non-graduate office clerks—Rs. 60—2½—90.

) For graduates clerks—Rs. 70—4—130.

employers will adjust the pay of upper clerks in consultation with the clerks ned.

ervisory or works staff.—The scale for the grade is fixed as Rs. 65—4—105. The yer will fix the scale of higher grade visory staff in consultation with the staff ned.

In the case of lower grade clerks and lower grade supervisory staff, if they are drawing pay on a scale lower than the minimum scale proposed, they should be fitted into the proposed scales as follows: The starting salary should be given in all cases and in addition one increment should be given for each three years of service completed, provided that the pay fixed should not be less favourable than the stage in the proposed time-scale just above the present pay of the incumbent.

2. Dearness allowance will be paid at the following scales to all categories of workers, viz., factory workmen, clerical staff, supervisory staff and subordinate staff :

Pay range.	Dearness allowance.
	Rs.
Up to Rs. 50	25
From Rs. 51 Rs. 100	35
From Rs. 101 – Rs. 150	40
From Rs. 151—Rs. 200	45
From Rs. 201 and above .. .	50

2(*a*). The proposal to link wages to minimum production is rejected.

The wages are fixed for the standard working week of 48 hours. Increase of working hours to the standard may be made without increasing the pay scales fixed, but no reduction of the pay scales will be permitted for a reduction in working hours.

3. The classification of workers in different types of industries into the categories, unskilled, semi-skilled, skilled and highly skilled, is left open. We recommend that the Government should appoint a Committee of Experts at an early date for effecting standardisation of occupational terms and for classifying the workers into the categories, semi-skilled, skilled and highly skilled.

4. The claim for conversion of hourly, daily and weekly rated workers into monthly rated workers is rejected.

5. The claim for abolition of piece-rates is rejected.

As to revision, we direct that each separate firm must revise its piece-rates so as to ensure that the earnings of a piece-rate worker of a firm do not fall below the earnings of a time-rated worker of the same category.

6. The claim for free quarters or house rent allowance is rejected for the present.

7. The claim for special allowances for specific workers of particular firms is rejected.

8. The scheme of the Contributory Provident Fund as contained in the Model Rules of the Indian Engineering Association, with compulsory membership for all permanent employees and uniform contribution of 6¼ per cent. of the basic pay irrespective of the earnings, should be adopted by the Engineering Firms, but small firms employing less than 100 men will have the option of adopting a gratuity scheme instead with the following rules :—

(*a*) On retirement after not less than 25 years' continuous service—half a month's basic pay for each completed year of service, subject to a maximum of 15 months' basic pay.

(*b*) On death of the employee while in service—half a month's pay for each completed year of service, irrespective of the length of service, but subject to the maximum of 15 months' basic pay, to be paid to the employees' heirs.

(*c*) On resignation or retirement at any time before the completion of 25 years' service, with the written consent of the employer, owing to illness, old age or any other sufficient cause—half a month's pay for each year of completed service.

(*d*) On termination of the service by the employer either as the result of reduction of his establishment, or in any other circumstance not justifying dismissal— half a month's pay for each completed year of service, irrespective of the length of service. For the purpose of this clause, service only from the date of the commencement of the operation of this award will be taken into consideration.

(*e*) No gratuity shall be payable when the employee is dismissed for misconduct.

(*f*) Gratuity is to be calculated on the basis of average substantive pay during the last 12 months of service.

During the next 12 months, firms which adopt or have adopted the Contributory Provident Fund Scheme will give the following supplementary retiring benefits:—

(1) On retirement after continuous service for not less than 25 years—gratuity at the rate of half a month's pay for each completed year of service, subject to a maximum of 15 months' pay.

(2) On retirement before completing 25 years' continuous service, owing to illness, old age or any other sufficient cause, with the written consent of the employer—gratuity at the rate of half a month's pay for each year of completed service.

(3) For the period for which the Contributory Provident Fund has been in operation, the employees falling in clauses (1) and (2) will receive the whole amount of the employees' contribution to the fund, but in calculating the gratuity payable, the period for which the Contributory Provident Fund has been in existence will be deducted from the total period of service. The maximum period of service for those falling in clause (1) will be deemed to be 30 years for the purpose of this clause.

Whatever the kind of retiring benefit scheme adopted, all firms in the next 12 months will be liable to pay a gratuity at the rate of half a month's pay for each completed year of service, when an employee who has completed not less than 15 years' continuous service is discharged permanently as the result of reduction by the employer of his establishment or for any similar cause.

Firms having a pension system may at their option discontinue this system.

9. All workmen will be given 22 holidays in a year, including festival holidays and the statutory holidays under the Factories Act. The holidays will be distributed as follows:—

8 festival holidays the days to be fixed in consultation with the workmen of individual firms.

10 days' continuous holidays under the Factories Act.

6 or 5 days' other leave with full pay according as the period of continuous holiday includes two Sundays or one. This other leave will accumulate for 2 years, as provided for the 10 days' statutory leave under the Factories Act.

Further so long as the Employees' State Insurance Act does not come into operation in respect of any firm, workmen will be entitled to 15 days' sick leave on half pay in a year.

The clerical and supervisory staff will get the same number of festival holidays as the workmen. In addition they will get privilege leave on full pay for 21 days and casual leave with pay for 7 days and sick leave on half pay for 15 days in year. The privilege leave will accumulate up a limit of 63 days.

10. (*a*) In the matter of recruitment, othe things being equal, the employers should give pre ference to the sons and relatives of the employees

The employers should take steps to replac contract labour by permanent labour as far a possible and in the meantime, they should, whe granting contract, insist that the contracto selected, pays fair wages to labour and should als provide for supervision by a representative of th Company so far as actual payment of the wage to the contract labour is concerned.

(*b*) The period of probation is fixed at months. We recommend that the Exper Committee, which will be set up to effect standard ization of occupational terms and classify workers should also prepare a scheme for apprenticeship showing the period of apprenticeship allowance and other conditions of apprenticeship to differen kinds of job. In the meantime no one should be kept on apprenticeship beyond a period of three years, except on his own written request and in a kind of job requiring highly specialised skill; and there will be payment of a daily remuneration of 12 annas per day for the ordinary apprentice this will be increased to 14 annas in the second year and Re. 1 in the third year. For superior types of apprentices the proper allowances will be fixed by the employer concerned pending framing of the scheme by the Committee Experts.

(*c*) A month's notice or a month's pay in l thereof should be given for terminating services of a monthly paid worker, and one week notice or one week's pay in lieu there should be given for terminating the service weekly paid worker.

There should be formal proceedings in seri cases of misconduct with a written charge-she of which one copy is to be given to the employ concerned and to which the employee must given sufficient opportunity to reply.

In case of stoppage of work for breakdown machinery or shortage of essential raw materia or other cause beyond the control of the employ or the workmen, a compensation for involuntary unemployment should be paid at the rate of ha the basic pay and half the dearness allowance f 30 days in each half year from January to Jun and July to December. To qualify for th compensation for involuntary unemployment, th worker must answer to a Muster Roll, once a da at the usual place of employment or in any oth place selected by the employer, and the work must be prepared to do a different sort of work his usual place of employment or in any oth establishment under the same employer.

This will not affect the right of the employe discharge the workers at any time, if he is sa fied that the period of stoppage of work is lik to be long; such discharge will be governed by ordinary rules regarding notice, pay in lieu notice and retiring benefits.

(*d*) Every employee should be given a cha of promotion after submitting himself to a pro test, when there is a vacancy in the higher gories.

(*e*) All firms employing 100 workmen or must adopt Standing Orders in accordance the Industrial Employment Standing Orders 1946, as soon as possible. Some modificatio the Draft Standing Orders produced are prescr

(*f*) Suspension by way of punishment shou limited to four days in a wage period. maximum fine which may be imposed in a period is prescribed in section 8, sub-section the Payment of Wages Act.

1. Working hours and spreadover will conti- to be governed by the provisions of the tories Act; the claim for reduction of working rs to 40 in a week is rejected.

he grace period for late attendance is limited 10 minutes in a week; this may be in a single or five minutes each on two separate days in same week.

2. Overtime pay will be governed by the visions of the Factories Act; the claim for over- e for night-shift workers is rejected.

3. Working conditions and sanitary arrange- nts in Factories are governed by Chapter III the Factories Act. Employers must see that provisions of the chapter are properly observed.

4. Every factory, where more than 1,000 rkers are employed, must provide and maintain ambulance room or dispensary with a whole- ne doctor and necessary assistants. In other ctories the necessary number of fully equipped st-aid boxes or cup-boards must be kept in arge of a responsible person fully trained in st-aid, who will be available during the working rs of the factory. In every factory a tcher must be provided for the conveyance of ired persons to nearest public hospital or ensary. Factories employing more than 100 kers should provide, if possible, a part-time tor for attending to the workmen where they e not done so.

5. We recommend that the firms employing workmen or more should start canteens as n as possible for providing refreshment during ess period to workmen. The supply should be de at a price which is sufficient to meet the cost the canteen.

6. We recommend that where possible shelters rest rooms be provided in factories where e than 150 workmen are ordinarily employed, h some arrangement for recreation at a low t where possible.

7. The question of providing uniforms and sses is left to the discretion of the employers.

8. The claim for compensatory bonus for the r years and for a general scheme for profit aring or a general bonus is rejected. We ommend, however, that Companies which have n paying a bonus for the last few years, should a bonus for the year just ended, if they have ned comparable profits.

e claim for introducing a scheme of produc- bonus is rejected, but we recommend that steps should be taken for working out the dard production.

. The question of recognition of the Unions eft open, the question being properly the ect-matter for adjudication by Labour Courts er the amended Trade Unions Act.

case of Messrs. Walford Transport, Ltd., ever, we direct recognition of the Walford nsport Workers' Union.

. In the case of firms which have or had ing awards binding on them, the award of tribunal will come into force from the date peration of this award or from the date of the ry of the existing award, whichever is later, with the proviso that the total remuneration of the existing staff will not be adversely affected by the award of this tribunal.

21. The claim for retrospective effect for dearness allowance from January 1946 made by the T. E. Thompson Employees' Union is rejected.

22. The claim for Independence Day Bonus made by the T. E. Thompson Employees' Union is rejected.

23. The claim for retrospective effect from 27th September 1946 of the additional dearness allowance granted by the Hindusthan Development Corporation from 1st January 1947 is rejected.

Application of the Award.—Where the existing minimum basic pay plus dearness allowance in a particular firm is higher than the minimum basic pay plus dearness allowance fixed by this award, the total remuneration of the present employees will not be adversely affected by this award. Where the existing total remuneration is more but the minimum basic pay is less than that fixed by this award, the basic pay should be increased to the minimum fixed, and the dearness allowance reduced by the same amount, keeping the total remuneration unaltered. This is necessary for the purpose of calculating the contribution to the Provident Fund and calculating gratuity.

We desire that the rules for holidays and leave should be standardised by all the firms as soon as possible, in order to eliminate one of the important causes of labour trouble. If however any firm has already announced leave and holidays for the current year at a scale more liberal than what the award provides, the right to such leave and holidays should not be affected by this award. Further, leave at credit of any person under the existing leave rules of a firm will not lapse in spite of any provision as to leave contained in this award.

This award will not affect adversely any other kind of existing advantage which the employees of a firm may be enjoying in excess of the benefits given by this award, unless an express provision has been made in this award concerning such advantage.

The Unions have claimed that this award should be given retrospective effect from the 31st October 1947, the date of the Government order appointing this tribunal. We consider however that retrospective effect to that extent would place an undue burden on the employers. We therefore recommend that the award of this tribunal should be made operative from 1st of April 1948.

Concluding remarks.—We desire that the Union leaders should impress the fact upon the workmen that the fund for increased wages and additional amenities must be created by increased production. Strikes and other kinds of labour disputes have too often stopped or slowed down production when production was most essential. In the changing conditions of the country, the workers can certainly demand a decent standard of living and a change in the distribution of the national wealth so as to ensure a greater proportion than before for themselves, but if they relax their efforts and fail to maintain even the old standard of production, the total national wealth will fall, and even a greater proportion of the national wealth will not then secure them

higher wages and better amenities. The right to better living conditions carries with it the duty to work more earnestly than before. It is unfortunate that the workers in their enthusiasm have tended to put more emphasis on their rights than on their duties. We appeal to them to realise fully that to be worthy citizens of a free country they must do their bit, *i.e.*, they must not only maintain the old standards of production but they must improve upon them. We appeal also to the employers to do their part ungrudgingly. They have to adjust themselves to the spirit of the age; and if they can do so wisely they have the opportunity still to play an important role in the development of the country. Finally, we must impress upon both the parties that an award must from its very nature be a compromise between conflicting claims, and it is only when both parties accept the compromise unreservedly and work it loyally that we may expect peace and prosperity.

Note.—After we had partly prepared t award, we received an order from the Hon'b High Court staying further proceedings so far the Bengal Potteries, Ltd., is concerned. Accor ingly this award will not bind the Beng Potteries, Ltd.

S. K. SEN,
Chairma

P. K. SARKAR,
P. R. MUKHERJEE
Member

The 4th June 1948.

By order of the Governor,
D. S. P. MUKHERJEE,
Jt. Secy. to the Govt. of West Beng

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Extraordinary

Published by Authority

SATURDAY, JULY 3, 1948

RT I—Orders and Notifications by the Governor of st Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

PARTMENT OF COMMERCE, LABOUR AND INDUSTRIES.

Commerce.

NOTIFICATION.

No. 2599Com.—3rd July 1948.—In exercise of powers conferred by sections 4, 5, 6, 7 and 8 the West Bengal Jute Industry Essential Stores ntrol Ordinance, 1948 (West Bengal Ordinance I of 1948), I hereby appoint Sree M. P. Birla, visor on Jute, Government of India, to be the cer for the purposes of the said sections.

By order of the Governor,
S. K. CHATTERJEE,
Secy. to the Govt. of West Bengal.

and published by the Superintendent, Govt. Ptg., West Bengal, West Bengal Govt. Press, Alipore, on the 3rd July 1948.

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Saturday, July 3, 1948.

Part IIIA.- Ordinances promulgated by the Governor of West Bengal under the Govt. of India Act, 1935.

Government of West Bengal
Judicial and Legislative (Legislative) Department.

West Bengal Ordinance No.VIII of 1948.

The West Bengal Security (Amendment) Ordinance, 1948.

Ben. II of

Whereas it is expedient and necessary to amend the West Bengal Security Act, 1948 for the purpose of removing certain doubts which have arisen as to the interpretation of section 16 thereof and for certain other purposes hereinafter appearing ;

And whereas the West Bengal Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased in exercise of the power conferre by sub-section (1) of section 88 of the Govt. of India Act, 1935 to make and promulgate the following Ordinance, namely :

title and ncement.

1. (1) This Ordinance may be called the West Bengal Security (Amendment) Ordinance, 1948.

(2) It shall come into force on the date of its publication in the Official Gazette, but the provisions of clauses (1) and (3) of section 2 shall be deemed to have taken effect on and from the date of commencement of the West Bengal Security Act, 1948 as if on that date this Ordinance had been in force

ment of Bengal Act f 1948

2. In the West Bengal Security Act, 1948, -

(1) in sub-section (1) of section 16, the words "on reasonable grounds" shall be omitted;

(2) for section 17, the following section shall be substituted, namely :-

"Duration of orders made under section 16(1).

17. Save as hereinafter in this section otherwise provided, an order made under sub-section (1) of section 16 shall be in force for such period not exceeding -

(a) in the case of an order under clause (a) of the said sub section, three months, or

(b) in any other case, six months,

as may be specified in the order or for the period subsequent to the date of issue of such order during which this Act continues in operation, whichever is less, unless earlier cancelled by the authority making the order;

Provided that -

(a) the Provincial Govt. may, if and so often as it thinks fit, before the date on which under this section any such order would otherwise cease to be in force,-

(i) in the case of an order under clause (a) of the said sub-section, place before a Judge of the High Court in Calcutta the grounds on which the order is made, the representation, if any, made under section 18 by the person affected thereby, and such further materials as the Provincial Govt. may think fit, so however, that the person affected by the order shall not be entitled to be defended or represented by any lawyer or other person before the Judge, and, in accordance with the decision of the Judge thereon the Provincial Govt. shall issue an order for the release of the person detained or for an extension of the period of his detention by such period not exceeding nine months as may be determined by the Judge, and

(ii) in any other case, issue, after considering all the circumstances of the case, a fresh order to the same effect and subject to the same limitations as to duration as in the first instance;

(b) notwithstanding anything hereinbefore contained it shall be lawful for the Provincial Govt. to release at any time, if it so thinks fit, any person in respect of whom an order under sub-clause (i) of clause (a) has been made.";

(3) in section 18, for the words "fifteen days" the words "thirty days" shall be substituted; and

(4) after section 18, the following section shall be inserted, namely :-

"Punishment for harbouring or concealing persons ordered to be detained.

18A.- Whoever knowing or having reason to believe that an order directing any person to be detained has been made under clause (a) of sub-section (1) of sec.16, harbours or conceals such person shall be punished with imprisonment for a term which may extend to two years and shall also be liable to a fine which may extend to one thousand rupees.

Exception.- This provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person directed to be detained.

Explanation.- In this section the word "harbour" includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as hereinbefore enumerated or not, to evade apprehension.".

Validity of orders made under sec.16 of W.B.Act I of 1948.

W.B.Act III of 1948.

3. For the avoidance of doubt it is hereby declared that no rder heretofore nade against any person under sub-section (1) f section 16 of the West Bengal Security Act, 1948, shall be eemed to be invalid or shall be called in question on the round that at the time of making the order the authority aking it had no reasonable grounds.

Kailas Nath Katju,
Governor of West Bengal.

The 3rd July, 194

B.K.Guha
Secy. to the Govt. of West Bengal

gistered No. C207

The Calcutta Gazette

Extraordinary

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MONDAY, JULY 5, 1948.

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT
RECEIVED
ON 5 SEP 1948
File No.
Diary No

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

OMMERCE, LABOUR AND INDUSTRIES DEPARTMENT.

Labour.

ORDER.

. 2226Lab.—5th July 1948.—Whereas under Government of West Bengal, Commerce, our and Industries Department, order 860Lab., dated the 22nd March 1948, the ustrial dispute between the East India Metal npany, Ltd., 4A, Durga Charan Chatterji Lane, cutta, and its workmen as represented by the gatchia Loha Karkhana Mazdoor Union, 2, a Dutta Lane, Howrah, was referred for udication to Sri S. K. Sen, I.C.S.;

And whereas the said Sri S. K. Sen, I.C.S., has e the award as shown in the annexure hereto,

ow therefore, in exercise of the powers conred by sub-section (2) of section 15 read with ction (3) of section 19 of the Industrial putes Act, 1947 (XIV of 1947), the Governor is ased to make the following order and to direct t reference to section 17 of the said Act that award be published in the *Calcutta Gazette*.

he award made by the said Sri S. K. Sen, I.C.S., ding the Company and their workmen aforeid specified therein and shall remain in force period of six months with effect from the 1st 1948.

ANNEXURE.

the matter of an industrial dispute between Messrs. East India Metal Company and their workmen as represented by Belgatchia Loha Karkhana Mazdoor Union.

PRESENT: SRI S. K. SEN, I.C.S.

the Company—Makham Chandra Sarkar.

the Union—Abani Bose.

Award.

e Government of West Bengal order No. 860- dated the 22nd March 1948, a dispute ween East India Metal Company, Ltd., and its kmen as represented by the Belgatchia Loha khana Mazdoor Union was referred to me for udication. The parties appeared before the Tribunal and filed written statements in due course. On perusing the written statements and hearing the parties, the following issues were framed:—

ISSUES

1. Minimum basic wage.
2. Dearness allowance.
3. General increase of pay of workers drawing above the minimum pay.
4. Increase in piece-rate.
5. Bonus.
6. Privilege leave, casual leave, festival leave and sick leave.
7. Relief for involuntary unemployment.
8. Discharge and retrenchment.
9. Medical facilities.
10. Recognition of Belgatchia Loha Karkhana Mazdoor Union.

The representative of the Company has said that the Company is willing to accept the same terms as to basic wages and dearness allowance and conditions of service as may be awarded by the General Engineering Tribunal. The case has been argued on that basis and only the issue peculiar to this Company have been argued in detail. It is, therefore, unnecessary to give in all cases the arguments in support of the decision of the issues.

DECISION

Issue No. 1—Minimum basic wage.

The existing minimum basic wage for men is Re. 1-2 per day and for women 11 annas per day. The minimum basic wage for men is raised to Re. 1-2-6 per day, so that the monthly remuneration for 26 working days comes to Rs. 30 for women workers the minimum basic wage is kept at 11 annas per day.

Issue No. 2—Dearness allowance.

The Company pays a dearness allowance of only 2 annas per day to all the time-rated workers. This is quite inadequate in view of the present level of prices. Dearness allowance is raised to Rs. 25 per month for both men and women workers.

Issue No. 3 General increase of pay of workers drawing above the minimum pay.

In view of the substantial increase awarded in the dearness allowance, which will benefit all categories of workers, the prayer for a general increase of the pay of workers drawing above the minimum pay is rejected.

Issue No. 4—Increase in piece-rates.

This issue has been argued at length before me. The Company produces chiefly iron pans of different sizes. The actual making of iron pans is done on a piece-rate system. The Company pays at the rate of Re. 1-2 for making 20 pans of size No. 1, Re. 1-4 for making 20 pans of size No. 2, Re. 1-6 for 20 pans of size No. 3, Re. 1-7 for 20 pans of size No. 4, Re. 1-8 for 20 pans of size No. 5 and Re. 1-10 for making 20 pans of size No. 6.

The representative of the Union has chiefly urged the case of workers making pans of sizes from 1 to 6. Pans of other sizes are also made. The rate per 20 for making pans of sizes Nos. 7, 8, 9, 10, 11, 12 and 13 are respectively Re. 1-14, Rs. 2-2, Rs. 2-8, Rs. 3, Rs. 5-10, Rs. 6-14, Rs. 8-2. The claim of the Union is that the rate per 20 should be increased by 8 annas in each case. The reason given is as follows. The wholesale price for six sets, of 20 pans each, of sizes 1, 2, 3, 4, 5 and 6 is Rs. 101-4, whereas the charge for making these six sets of 20 pans comes only to Rs. 8-5. It is urged that where the Company is selling the finished goods for Rs. 101-4 the Company could certainly afford to pay more than Rs. 8-5 as the wages of production. The Union demands that the Company should pay Rs. 11-1, *viz.*, 8 annas more for each set of 20 pans of sizes 1 to 6. The representative of the Union has, however, overlooked the fact that the wages paid to the piece-rate worker for making the pans does not represent the whole of the cost of production of the pans for making 120 pans (six sets of 20 pans of sizes 1 to 6). About half a ton of pig iron is necessary for making these pans, and the Company furnishes the furnaces for melting the pig iron and the sand and other articles required for making moulds. It is stated by the Company's representative that by selling 20 pans for Rs. 101-4 the Company earns a profit of only Rs. 8 or Rs. 9 and cannot, therefore, afford to pay an increase in the wage rates. The Company's representative has produced account books showing the earnings of the piece-rate workers making pans during the last six months. It appears from the statement that the daily earning of each piece-rate worker varies from Rs. 3 to Rs. 8 per day. It has, therefore, been urged that the piece-rate workers are earning sufficient wages and there is no case for increasing the piece-rate. I must hold that the Union has not been able to make out a case for an increase in the piece-rate. It has been mentioned by the Company's representative that the Company is contemplating a reduction in piece-rates, because the wholesale price of iron pans has fallen. In view of the increase in the dearness allowance of time-rated workers, I hold that no reduction in the piece-rate should be made, at least during the period for which the award will remain in force.

The representative of the Union has urged that pans which become defective through no fault of the piece-rated workers, *e.g.*, for defective material should be counted while calculating the wages due to the piece-rate workers. This prayer has been opposed by the Company, it being said that it is difficult to ascertain in any case whether the defect in the finished product is due to defect in the material or is due to defective workmanship. It is said that the usual practice is to leave defective pans out of consideration when counting the number produced by the piece-rate workers. I am not satisfied that any case has been made for changing the established practice of not counting the defective pans when calculating the wages due to the piece-rate workers.

Issue No. 5—Bonus.

The Union has claimed one month's pay as annual bonus. It is, however, admitted that the Company has never paid any annual bonus. There is nothing to show that the Company is making unusual profits. Accordingly the claim for annual bonus is rejected.

Issue No. 6 Privilege leave, casual leave, festival leave and sick leave.

On this point the Company is willing to allow the same leave and festival leave as is awarded by the General Engineering Tribunal. According I direct that the Company shall allow leave as follows:—

Leave on full pay for 14 days including 10 days' continuous holidays under the Factories Act. Every employee will be able to accumulate the leave for 2 years. If the 10 days' continuous holidays under the Factories Act includes a Sunday or two Sundays, for which no leave pay is allowed, an additional day or two's leave must be given with pay as compensation.

The Company will allow 8 festival holidays in a year.

The Company should also allow 15 days sick leave on half pay, so long as the Employees' State Insurance Act does not come into force.

Issue No. 7—Relief for involuntary unemployment.

The Union has demanded that when work is stopped, owing to some cause for which the workers have no responsibility, the workers should be given full compensation for the period of such involuntary unemployment. It is reasonable that when the permanent workers are retained in the service of the Company, when work is stopped by reason of mechanical break-down or for want of essential raw materials or any other cause for which the workers are not responsible, the workers should be paid some compensation. I therefore direct that in each half year from January to June and from July to December, the workers should be paid compensation at half the usual rate of pay and dearness allowance up to a period of one month (26 working days). The workers will be entitled to this compensation for the period of involuntary unemployment only if they attend a roll-call every day at the Company's factory, and if they are willing to do any alternative work, which may be provided by the Company during the period of involuntary unemployment. This will not, however, bar the Company from discharging the workers at any time when the Company is satisfied that the period of stoppage of work is likely to be long.

Issue No. 8—Discharge and retrenchment.

The Union has claimed that there should be no discharge and no retrenchment of any workers. This claim cannot be allowed, because if the Company is unable to employ the full complement of workers, the Company must have the right, at any time, to discharge the surplus workers. In case of discharge, however, one month's notice or pay in lieu thereof should be given to monthly-paid workers and one week's notice or one week's pay in lieu thereof should be given to weekly-paid workers.

Issue No. 9—Medical facilities.

The Union wants that a qualified doctor should be in attendance during the working hours of the workshop. The factory, however, is a small factory employing less than 100 workers. Accordingly it would be unfair to ask the Company to provide a qualified doctor during the working hours. Under the Factories Act, the Company is bound to keep a fully-equipped first-aid box in charge of a responsible person, who will be always available during the working hours. It is, therefore, directed that a fully-equipped first-aid box should be kept in the factory in charge of a responsible person who should be always available during the working hours. The claim for appointment of a qualified doctor is rejected.

Issue No. 10—Recognition of Belgatchia Loha Karkhana Mazdoor Union.

The Company's case is that this Union does not, in fact, represent the majority of the workers of the Company and the Company is, therefore, unwilling to accord recognition to this Union. When a Union is not recognised amicably by the employer, the question of recognition should properly be left for adjudication by Labour Courts, which will be shortly set up under the amended Trade Unions Act, for the question of recognition of Union is not properly an industrial dispute within the definition of the Industrial Disputes Act. Accordingly the question of recognition of Union is left open for adjudication by the Labour Courts when they are set up.

Accordingly the following award is made in the case:

(1) The minimum basic wage for men workers is fixed at Re. 1-2-6 and for women workers at 14 annas per day.

(2) Dearness allowance is fixed at a flat rate of Rs. 25 per month.

(3) The claim for a general increase of pay of workers drawing above the minimum is rejected.

(4) The claim for increase in piece-rates is rejected.

(5) The claim for an annual bonus is rejected.

(6) Leave and holidays should be allowed at the following scales:—

Leave on full pay for 14 days in a year, including 10 days' continuous leave under the Factories Act.

Eight festival holidays and 15 days sick leave in a year on half pay. This sick leave will not be payable when this factory is brought within the scope of the Employees' State Insurance Act, 1948.

(7) Relief for involuntary unemployment shall be paid at the following scale:

During each half year from January to June and July to December, the workers will be paid half pay and half dearness allowance for the period of involuntary unemployment, subject to a maximum of one month of 26 working days; for earning this relief, the worker must attend to a roll-call in the premises of the Company at least once a day and workers must be ready to do any alternative work that may be provided by the management.

(8) For discharge of monthly paid workers, one month's notice or one month's pay in lieu thereof, and for weekly paid workers, one week's notice or one week's pay in lieu thereof, should be given.

(9) Fully equipped first-aid box, in charge of a responsible person, who should be always available during the working hours, should be kept in the factory premises.

(10) The question of recognition of Belgatchia Loha Karkhana Mazdoor Union is left for adjudication by Labour Courts, when they are set up.

This award will come into force from 1st June 1948 or any other date that may be fixed by the Government.

S. K. SEN, *Judge*,
Industrial Disputes Tribunal

The 4th June 1948.

By order of the Governor,

D. S. P. MUKHERJEE,
Jt. Secy. to the Govt. of West Bengal

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THURSDAY, JULY 8, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF COMMERCE, LABOUR AND INDUSTRIES.

Labour.

ORDER.

No. 2263Lab.—6th July 1948.—Whereas under the Government of West Bengal, Commerce, Labour and Industries Department, Order No. 737-Lab., dated the 10th March 1948, the industrial dispute between the Tatanagar Foundry Co., Ltd., Works, Belur, Head Office: 1, Dalhousie Square, Calcutta, and its workmen as represented by the Belur Iron and Steel Workers' Union, Belur Station Road, Belur Math, Howrah, was referred for adjudication to Sri S. K. Sen, I.C.S.;

And whereas the said Sri S. K. Sen, I.C.S., has given the award as shown in the Annexure hereto;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 15 read with sub-section (3) of section 19 of the Industrial Disputes Act, 1947 (XIV of 1947), the Governor is pleased to make the following order and to direct with reference to section 17 of the said Act that the award be published in the *Calcutta Gazette*.

The award made by the said Sri S. K. Sen, I.C.S., shall bind the company and their workmen aforesaid as specified therein and shall remain in force for a period of one year with effect from the date of its publication.

ANNEXURE.

In the matter of an industrial dispute between the Tatanagar Foundry Company, Ltd., and its workmen.

PRESENT: SRI S. K. SEN, I.C.S.

For the Company—Sri A. K. Bhattacharjee, Sri S. C. Roy.

For the Union—Sri Abani Mukherjee, Sri Iseswar Ganguly.

AWARD.

By Government of West Bengal Order No. 737-Lab. dated 10th March 1948, an industrial dispute between the Tatanagar Foundry Company, Ltd., and its workmen as represented by the Belur Iron and Steel Workers' Union, was referred to me for adjudication. Both parties appeared before the Tribunal at the initial stages and filed their respective written statements.

The following issues were framed after perusing the written statements and hearing the parties:—

Issues.

(1) Minimum basic pay and scales of pay for workmen of different categories.

(2) Classification of workers.

(3) Dearness allowance for such workers.

(4) House allowance.

(5) Education allowance.

(6) Bonus—special, general and production

(7) Conditions of service—

(*a*) Promotion,

(*b*) Period of probation,

(*c*) Discharge, retrenchment, dismissal and involuntary unemployment.

(*d*) Service cards and service certificates.

(8) Abolition of contract labour.

(9) Hours of work and overtime.

(10) Leave of all kinds and holidays.

(11) Provident Fund and gratuity.

(12) Medical arrangements.

(13) Canteen.

(14) Recognition of Belur Iron and Steel Workers' Union.

DECISION.

On the date fixed for hearing, no representative appeared for the Union. This is apparently because in its written statement, the Company stated that two Companies under the same management, viz., the National Iron and Steel Company, Ltd., and the National Screw and Wire Products, Ltd., were included within the scope of the General Engineering Tribunal and that for the third Company, also, viz., the Tatanagar Foundry Company, Ltd., with which we are concerned in this case, the Company was willing to accept the same terms and conditions as might be fixed for the two Companies included within the scope of the general Engineering Tribunal. At the hearing also, which was done *ex parte*, the representative of the Tatanagar Foundry Company, Ltd., said that he was willing that the award of the General Engineering Tribunal should be applied to the present Company as far as possible.

Accordingly the following *award* is made in this case in the terms of the award of the General Engineering Tribunal so far as the issues in the present case are concerned:—

(1) The minimum basic pay for the unskilled worker is fixed at Rs. 30 per month or Re. 1-2-6 per day, and the minimum basic pay of the semi-skilled worker is fixed at Rs. 35 per month or Re. 1-5-6 per day.

The pay of the skilled and the highly skilled workmen should be adjusted by the Company in consultation with the workers concerned in view of the rise in pay granted to the skilled and the semi-skilled workers.

For peons the scale of Rs. 25—1—40 is fixed and for durwans the scale of Rs. 30—1—45 is fixed.

For the clerical staff of the lower grades, the following scales are fixed:—

(*a*) For outdoor and non-matriculate clerks Rs. 55—2/8—80.

(*b*) For Matriculate office clerks Rs. 60—2/8—90.

(*c*) For graduate clerks Rs. 70—4—130.

The pay of the upper grade clerks should be adjusted by the Company in consultation with the employees concerned and in the light of the increments given to the lower grade clerks.

For fitting the clerks into the new scales of pay proposed the following principle should be adopted. They should get in all cases the minimum of the appropriate scale with one increment for every 3 years' service with the proviso that the pay shall not be less favourable than the stage in the time-scale immediately above the pay which the clerk is now drawing.

For the Supervisory or Works Staff, the lowest scale of pay is fixed at Rs. 65—4—105. The pay of the supervisors of the superior grade should be fixed by the Company in consultation with the supervisors concerned and in the light of the increments granted to the supervisors of the lowest scale. The existing supervisors, who are on a lower scales of pay, will be fitted into the scale proposed in the same way as the clerical staff.

For the semi-skilled and skilled workmen, no scales of pay are fixed, but the existing practice of having different grades of pay at short intervals and promoting a worker from one grade to another as and when he improves in skill and efficiency should be followed.

(2) Classification of workers into the categories unskilled, semi-skilled, skilled and highly skilled—This issue is left open. Classification will be ultimately done in accordance with the recommendations of an Expert Committee, appointment of which by the Government is recommended in the award of the General Engineering Tribunal.

(3) Dearness allowance of all categories of workers, viz., factory workmen, clerical staff, supervisory staff and subordinate staff, will be governed by the following table:—

Pay range.	Dearness allowance.
	Rs.
Up to Rs. 50	25
From Rs. 51 to Rs. 100	35
From Rs. 101 to Rs. 150	40
From Rs. 151 to Rs. 200	45
From Rs. 201 and above	50

(4) The claim for a house rent allowance is rejected. It should be noted that the factory is situated at Belur and not within the Calcutta Municipal area.

(5) The claim for education allowance for children is rejected.

(6) The claim for compensatory allowance for war years is rejected. The claim that a principle should be laid down for a general and profit-sharing bonus is rejected. But if the Company has been paying annual bonus, it should pay annual bonus, if similar profits have been earned in the last financial year. The claim for a production bonus is also rejected.

(7) (*a*) Opportunities should be given to employees for promotion to any vacancy in the higher categories by providing for necessary trade tests.

(*b*) The period of probation is fixed at 6 months.

(*c*) For discharge of permanent workmen, a month's notice or a month's pay in lieu thereof is provided, if the worker is a monthly paid worker and a week's notice or a week's pay in lieu thereof if the worker is a weekly paid worker.

Retrenchment will be governed by the rules of discharge.

When there is misconduct *prima facie* justifying dismissal a written chargesheet should be framed and the employee concerned should be given full opportunity to reply to the charges. If the misconduct is serious, the employee concerned may be suspended forthwith, but dismissal should be made only after formal proceedings have been completed.

When there is temporary stoppage of work through mechanical breakdown, shortage of essential raw materials or any other cause, not within the control of workmen, the workmen will be paid compensation for involuntary unemployment at the rate of half the total pay and dearness allowance for the period of 30 days in each 6 months period from January to June and July to December. For qualifying for the compensation, the workmen must attend a muster roll-call once a day in the factory premises or at any other place selected by the employer and further the workmen must be prepared to do any alternative work which the management may provide either in the factory premises or in any other establishment under the same management. The management, however, will be entitled to discharge workmen when there is reasonable apprehension that the stoppage of work may last a long time. In case of such discharge the ordinary rules of notice or pay in lieu thereof will apply.

(*d*) The claim that each workman should be provided with a service card noting details as to the date of appointment, the successive rates of pay and the punishment is rejected, but it is directed that the Company should maintain separate service records for all the permanent employees and that further the Company shall allow inspection of the service records by the employees concerned at prescribed times. Each workman must be provided with a service certificate on voluntary resignation or discharge in circumstances not justifying dismissal.

(8) It is recommended that contract labour should be replaced as far as possible by permanent workmen directly under the Company and in the meantime to minimise the evils of the contract system, the Company should insist when granting a contract that the contractor's labour is paid at proper rate and should further insert a clause in the contract entitling an officer of the Company to supervise the actual payment of wages by the contractor to his labour.

(9) The claim that hours of work should be reduced to 40 per week is rejected. Overtime will be governed by the Factories Act.

(10) The factory workmen will get leave and holidays as follows:—

Eight paid festival holidays in a year; the actual days to be fixed in consultation with the workmen.

14 days' leave on full pay including the 10 days' continuous holidays under the Factories Act, where the 10 days' continuous holidays include one Sunday or two, for which no payment is made the workmen should be compensated by being granted paid holiday for another day or two as the case may be. This leave on full pay may be accumulated for 2 years as provided for the 10 days' continuous holidays under the Factories Act.

15 days' sick leave with half pay in a year. The provision as to sick leave will be applicable only so long as the Employees State Insurance Act, 1948 is not applied to this establishment.

Clerical and supervisory staff will get the llowing leave and holidays:—

The same number of festival holidays as is llowed to factory workmen. 21 days' leave on verage pay in a year. This leave may be accu-ulated for three years, i.e., up to a maximum mit of 63 days.

Seven days' casual leave with pay in a year.

Fifteen days' sick leave on half pay in a year. his sick leave will accumulate from year to year.

(11) The Company, if it has no contributory rovident fund scheme in force at present, should dopt such a scheme. Such provident fund scheme ll be governed by the Model Provident Fund ules adopted by the Indian Engineering Associa-on subject to the modification that membership ll be compulsory for all permanent employees d the contribution to the fund should be at the niform scale of 6¼ per cent.

For the next 12 months, the Provident Fund cheme should be supplemented by a gratuity hich will be governed by the following rules:—

(a) On retirement on completion of not less than years' continuous service—gratuity at the rate half a month's pay for each year of completed rvice, subject to a maximum of 15 months' pay.

(b) On retirement or resignation before comple-on of 25 years' continuous service, owing to ill-ealth, old age or a similar cause and with the ritten consent of the Company—gratuity at the of half a month's pay for each completed year service.

(c) In calculating gratuity, the period, for which ontributory Provident Fund Scheme is in ope-ion, will be excluded.

For cases falling in clause (a) above the maxi-um period of service shall be deemed to be 30 ars. The employer's contribution to the Provi-nt Fund shall, however, be payable in full in l cases.

(d) In case of retrenchment an employee must given gratuity at the rate of half a month's pay each completed year of service, provided he has mpleted a period of not less than 15 years' ntinuous service.

(12) The Company must provide the necessary mber of first-aid boxes or cubboards and keep em in charge of responsible persons, fully train-in first-aid, who will be available during the rking hours of the factory. Further if the mpany has no whole-time or part-time doctor, it ould try to provide a part-time doctor for attend-the workmen.

(13) It is recommended that a canteen be started providing refreshments for the workmen ng recess time, refreshments being supplied at ce just sufficient to meet the running expenses he canteen.

(14) The question of recognition of Belur Iron Steel Workers' Union is left open. The ques-of recognition will be adjudicated by the ur Court, when set up under the amended le Unions Act, if there is no recognition by ration in the meantime.

The award will come into force on 1st June 1948 any other date fixed by the Government.

S. K. SEN, *Judge*,
Industrial Disputes Tribunal.

9th June 1948.

By order of the Governor,
D. S. P. MUKHERJEE,
Joint Secy. to the Govt. of West Bengal.

ORDER.

No. 2264Lab. 6th July 1948.—Whereas under the Government of West Bengal, Commerce, Labour and Industries Department, Order No. 323Lab., dated the 6th February 1948, read with its corrigendum No. 463Lab., dated the 19th February 1948, the industrial dispute between Messrs. Angus Engineering Works, Ltd., Angus, district Hooghly, and their workmen as represented by the Angus Engineering Works Employees' Union, Bhadreswar, district Hooghly, was referred for adjudication to Sri S. K. Sen, I.C.S.;

And whereas the said Sri S. K. Sen, I.C.S., has given the award as shown in the annexure hereto;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 15 read with sub-section (3) of section 19 of the Industrial Disputes Act, 1947 (XIV of 1947), the Governor is pleased to make the following order and to direct with reference to section 17 of the said Act that the award be published in the *Calcutta Gazette*.

The award made by the said Sri S. K. Sen, I.C.S., shall bind the Company and their workmen aforesaid as specified therein and shall remain in force for a period of one year with effect from the 1st June 1948.

ANNEXURE.

In the matter of an industrial dispute between Messrs. Angus Engineering Works, Limited, and their workmen as represented by the Angus Engineering Employees' Union.

PRESENT: SRI S. K. SEN, I.C.S.

For the Company: Mr. P. P. Ginwala and Sri S. C. Sen, Advocate.

For the Union: Sri P. K. Sanyal, Advocate.

By Government of West Bengal Order No. 323-Lab., dated the 6th February 1948, an industrial dispute between Messrs. Angus Engineering Works, Ltd., and their workmen as represented by the Angus Engineering Employees' Union was referred to me for adjudication. The Angus Engineering Works, Ltd., which is situated near Hooghly, is an engineering workshop run by Messrs. Angus Company, Ltd., which is mainly a jute manufacturing Company and has four jute mills in the same area. In the Engineering Works, about 700 men are employed, for manufacturing machines and tools required for the jute mills of Messrs. Angus Company, Ltd. Manufacture for other customers is also done in the engineering workshop.

Both the Union and the Company appeared before the Tribunal and filed their written statements in due course. After perusing the written statement and hearing the parties the following issues were framed in the case:—

Issues.

1. Basic wages of different categories of employees.
2. Dearness allowance for different categories of employees.
3. Abolition of piece rates and hourly rates.
4. Classification of employees into categories and scales of pay for different categories.
5. Bonus for war years and subsequent years.
6. Retiring benefits—Contributory Provident Fund and Gratuity.
7. Holidays and leave of all kinds.

8. Conditions of service—

(*a*) Promotion.

(*b*) Removal of discrimination.

(*c*) Probationary period and apprenticeship.

(*d*) Rules of retrenchment, dismissal and involuntary unemployment.

(*e*) Provision of relieving hands.

9. Overtime pay including overtime for work on Sundays and holidays.

10. Provision of free quarters, or house rent allowance.

11. Establishment of a cheap canteen.

12. Medical aid.

13. Amenities—

(*a*) Rest rooms.

(*b*) Education of employees' children.

(*c*) Provision for games and theatrical performances.

14. Recognition of the union—

(*a*) Should Darwans be permitted to join the Employees' Union?

DECISION.

Issue No. 1.—Basic wages of different categories of employees.

The Union has demanded the following monthly basic wages for the different types of works:—

Class C—Rs. 60 per month.

Class B—Rs. 120 per month.

Class A—Rs. 150 per month.

Special—Rs. 300 per month.

Clerical—Rs. 80 per month.

From the statement of existing wages filed by the Company it appears that the present scale of wages is low for most of the categories. The minimum pay of the ordinary unskilled workmen or coolie is 1·458 annas per hour which comes to rather less than 12 annas per working day of 8 hours and rather less than Rs. 19-8 per month of 26 working days. The minimum pay of the tradesmen, e.g., Planers, Drillers, Shapers, Turners, Millers, Vicemen, etc., is 2·038 annas per hour which comes to just over 16 annas per working day of 8 hours and just above Rs. 26-8 per month of 26 working days. The starting pay of the clerical staff is only Rs. 40 per month. In view of the present level of prices and the present rate of wages in other engineering firms, it must be held that the existing wage rates have to be substantially increased even though the claim made by the Union be regarded as excessive. For the Company it has been urged that in addition to the basic pay the Company pays dearness allowance at Rs. 4-8 per week, i.e., approximately Rs. 19-8 per month; and further the Company issues rations at a cheap rate to all classes of employees and it is claimed that the money value of the subsidised ration is about Rs. 10 per month. A statement has been filed by the Company showing the articles supplied and the scale at which the supply is made. Every week each employee gets 1 seer 13 chataks of rice, 10 chataks of atta and 2 seers 9 chataks of gram at the price of Re. 1 only for all the three items; further each employee gets per week 1 seer of dal at the price of 3 annas 3 pies and 4 chataks of mustard oil at the price of 2 annas 3 pies. The Union has admitted that supply of the foodstuffs mentioned above is made weekly to all the employees, but the Union contends that the money value of the benefit does not exceed Rs. 8 per month. In the Company's statement there appears to be some mistakes in calculating the cost of the foodstuffs to the employer and I must find that Rs. 8 per month more correctly represents the money value of the benefit given by the Company by issuing subsidised foodstuffs to the employees.

But even including Rs. 19-8 per month dearness allowance and Rs. 8 per month as the value of the benefit of subsidised ration, the remuneration given to the employees must be regarded as rather low. The Company has urged that the net earnings of the engineering works came to Rs. 1,05,907-9-11 for 1947; and assuming that during 1948 the engineering works would earn similar net earnings and assuming that the whole of the net earnings were utilised in increasing the wages and dearness allowance of the employees, still even a fraction of the demands could not be met. The Company has filed a statement showing the extra cost per year which the Company would have to incur if the demands of the Union as to basic pay and dearness allowance had to be met in full. The extra cost per year for basic pay, dearness allowance and provident fund would come to Rs. 11,09,877. It must be admitted that with the net earnings of Rs. 1,05,90 the Company cannot meet such extra expenditure per year. I have already mentioned however that the claim of the Union must be regarded as somewhat excessive. The Company has about 700 workers in the engineering works and the net earnings available towards increasing the wages bill are Rs. 1,05,907 as mentioned above. The Company can therefore afford to increase the remuneration of each employee by approximately Rs. 12 per month on the average. The adoption of standard rates prescribed by the general Engineering Tribunal will cause an increase of rather less than Rs. 10 per head on the average and the Company is able to bear that burden.

On behalf of the Company it has been urged that the minimum basic wage as recommended by the Central Pay Commission should not be accepted as the standard, because the Central Pay Commission gave (according to the Counsel for the Company) contradictory arguments in support of the minimum basic wage fixed by the Commission. It is pointed out that in paragraph 48, page 2 of its report the Central Pay Commission observed:

"The application of the minimum wage rule has always been recognised to be subject to limitations imposed by the general economy of the country. It may be applied to correct gross inequalities in the distribution system but not in disregard of the total production capacity of the country or without reference to the national income." In paragraph 49, page 32 of its report the Commission observed as follows: "The Chief Commissioner of Labour (Mr. S. C. Joshi) whose long association with and sympathy for labour are well-known, agreed that considering the *per capita* income of the country which was now below Rs. 100 per annum, the earnings of Government employees of the lowest grade should not be out of tune with that of other men of their own status employed outside Government service or having other means of livelihood. He recognised that the amelioration in the condition of poorly paid employees could only be attained by stages with the progressive increase in national income."

The learned Counsel for the Company complains that having made these remarks, the Commission proceeded arbitrarily to fix a minimum total remuneration of Rs. 55 for the working class family and Rs. 90 for the middle-class family on the ground that these incomes were necessary for enabling the government servants to maintain their families at the minimum standard of comfort; but on the basis that the national income *per capita* is Rs. 100 per annum, the share of the national income for a family consisting of even 5 members, which is more than the

f the average working class family, would be Rs. 500, and the monthly income of the earner hould therefore be fixed approximately at Rs. 42 er month. The learned Counsel has urged that here is inconsistency in fixing the minimum re-uneration for an employee of the working class amily at a figure higher than that justified by he average *per capita* share of the national in-ome. He has urged repeatedly that the minimum annot be greater than the average, for this is a ontradiction in terms.

I must point out however that the average *per apita* income of persons engaged in the industry greater than the average *per capita* income of he people at large of the whole country. In the gricultural classes the size of the families tends o be larger than the industrial areas whereas the ncome per family is lower. There is also quite large population in India of vagrants who pro-uce nothing at all and have no recognised in-ome. Therefore there is no inconsistency in xing for the industrial worker (or for the Gov-rnment servant) a minimum income higher than he average *per capita* share of the national in-ome of the whole country. The principle of age fixation in these days must be that no man ust be paid less than his living wage, and the rm "living wage" has to be interpreted some-hat liberally, in the light of the investigations ade by men like Dr. Aykroyd, Dr. Radha amal Mukherjee and other savants. I, there-re, must accept the minimum basic wage recom-ended by the Central Pay Commission as the andard. In the general Engineering Tribunal e same standard has been adopted.

The learned Counsel for the Company has also ferred to the Bihar Labour Enquiry Report hich suggested Rs. 15 per month as the remu-eration for unskilled labour for places outside mshedpur in Bihar. It is urged that the Angus ngineering Works, Ltd., is situated near ooghly which is 21 miles from Calcutta and it ould be fair to apply the rates recommended for dustrial concerns in Bihar to the Angus Engi-eering Works. I must point out however, that e Angus Engineering Works, Ltd., is situated uch nearer the Calcutta industrial area than the har Industrial area, and further what the Bihar abour Enquiry Committee considered fair in 40 can be no criterion for fixing wages now en both the economic and the political struc-re of the country have undergone revolutionary anges. Accordingly the recommendation of the ntral Pay Commission, which is recognised as ving set the standard for the basic minimum ge for all classes of employees in the country, ust be followed in this case and the wage struc-e of the Company revised accordingly.

According to the Central Pay Commission and ording to the award of the general Engineer-Tribunal, the total remuneration of the lowest d unskilled worker should be Rs. 55 per month. e Central Pay Commission has divided this ute into Rs. 30 as basic pay and Rs. 25 as dear-s allowance. The value of the grain con-sion allowed by the Company to all employees Rs. 8 per month and the dearness allowance allowed by the Company is Rs. 19-8 per nth. The total value of the two amenities is 27-8. Accordingly the minimum basic pay unskilled worker must be fixed at Rs. 27-8 per nth. For convenience of calculation this is en as equivalent to Re. 1-1 per day or 2·125 as per hour.

The semi-skilled worker also gets Rs. 27-8 in rness allowance and grain concession. Accord-ly for this category the minimum basic pay is d at Rs. 32-8 per month or Re. 1-4 per day ich comes to 2·5 annas per hour.

Regarding the question of fixing minimum basic e for the skilled worker, there is the diffi-y that there is no recognised classification of the workers into the categories semi-skilled, skilled and highly skilled. The workmen are known by the job that they perform. Thus the workmen are described as Planers, Drillers, Shapers, Turners, Millers and so on. For each of the jobs there is a system of graded pay, the lowest pay being 2·038 annas per hour which comes about Rs. 26-8 per month. The highest grade varies for different jobs. For planers it is 5·777 annas per hour which comes about Rs. 75 per month. The Union with the written statement filed a chart suggesting classification of the workers into grades C, B, A corresponding roughly to the categories unskilled, semi-skilled and skilled. The Company, however, has objected to the correctness of this classification and has pointed out that the existing wages of many workers included in group B are higher than the existing wages of many workers included in group A. Thus a painter has been put in group B by the Union but the Company has only one painter who is paid at the rate of 3·5 annas per hour which comes to Rs. 1-12 per day or Rs. 45-8 per month as against many categories in group A earning about Rs. 26-8 per month. Therefore there is a difficulty in the way of accepting the classification as proposed by the Union and in fixing the minimum basic wage of the workmen on the basis of such classification. The work of scientific classification must be left to be done by an expert committee when there is no agreed classification before us. It is however clear that excluding the items Coolie Sardar and Darwan in group B all the workers described in group A and group B are either semi-skilled or skilled workmen. The minimum basic wage fixed for the semi-skilled worker, viz., Rs. 32-8 per month or 2·5 annas per hour, will therefore apply to all the workers of group A and group B with the exception of the two classes—Coolie Sardar and Darwan for whom the wages will be fixed separately. Further in order that the skilled workmen may derive some direct benefit from the award, I would provide that each workman drawing wages above the minimum should get a flat rise of 4 annas per day or ·50 anna per hour. This comes to Rs. 6-8 per month of 26 working days. I am suggesting this figure of flat rise because the minimum basic pay for the unskilled workmen has been raised from 11·664 annas per day to 17 annas per day and thus the rise in this case is between 5 and 6 annas per day; for the higher category of workmen a flat rise of 4 annas per day would be sufficient, for the wages towards the top do not need the rise to the same extent as wages towards the bottom. Thus all the classes of workers mentioned in group A and group B of Annexure A of the Union's written statement with the exception of the classes, Coolie Sardar and Darwans, will get a rise of ·50 anna per day or Rs. 6-8 per month of 26 working days and this will be sufficient in all cases to put the existing wages of these classes of workmen above the minimum pay fixed of Rs. 32-8 per month or 2·5 annas per hour.

For peons the scale of Rs. 25—1—40 and for Darwans the scale of Rs. 30—1—45 is fixed. For Coolie Sardars the rate of Rs. 32-8 per month or Re. 1-4 per day, the minimum fixed for semi-skilled worker, is fixed.

For the clerical grade the minimum pay must be Rs. 55 per month except for out-door clerks like Tally Clerk for whom Rs. 50 per month is fixed. Accordingly for out-door and Tally Clerks the grade of Rs. 50—2/8—80 and for the lowest grade of office clerks the grade of Rs. 55—3—85 is fixed. Above this grade there will be two other grades, viz., A grade and Head grade, as now in existence but with the following modifications:—

A—Rs. 85—4—125.

Head grade—Rs. 125—5—160.

No scales are suggested for the special grade clerks.

Issue No. 2—Dearness Allowance for different Categories of Employees.

The Union has claimed dearness allowance at 70 per cent. for the first Rs. 100 of the wages, 50 per cent. for the second Rs. 100 and 30 per cent. for the balance, subject to the proviso that a minimum of Rs. 45 per month should be paid as dearness allowance. This demand must be regarded as excessive. The Central Pay Commission recommended a minimum dearness allowance of Rs. 25 per month and higher rates of dearness allowance according to the pay range. For the Union it is urged that since the publication of the report of the Central Pay Commission, the price level has increased further, so that the cost of living index now stands in the neighbourhood of 340 as against 260 accepted as a standard in the Pay Commission Report. But a reference to the Appendix C of the Pay Commission's Report shows that in January 1947, with reference to prices of which month the Pay Commission made its recommendations, the cost of living index was 285; and the Pay Commission stated that its recommendations must be understood as made with reference to the index of 285. Further it appears that the cost of living index for the working classes is now in the neighbourhood of 310 although the index for wholesale prices is about 340. At most therefore the workmen might claim a dearness allowance of Rs. 30 per month, but the total remuneration fixed must bear some relation to the ruling rates of wages and to what the industry can bear. I am of opinion that by fixing the minimum dearness allowance of Rs. 30 per month a greater burden would be put on the Company than it can bear. The General Engineering Tribunal has adopted Rs. 25 per month as the minimum dearness allowance but has adopted a graded system of dearness allowance as follows:—

Pay range.	Dearness allowance.
	Rs.
Up to Rs. 50 ...	25
Rs. 51—100 ...	35
Rs. 101—150 ...	40
Rs. 151—200 ...	45
Rs. 201 and above	50

I think that the scale of dearness allowance fixed for the Angus Engineering Works should be similar. Some modification is, however, required in view of the grain concession allowed by the Company. It has been mentioned that the total value of the dearness allowance allowed and the grain concession now comes to Rs. 27-8 per month. This is Rs. 2-8 above the dearness allowance prescribed by the Central Pay Commission for pay range up to Rs. 50 but we have taken this into consideration when fixing the minimum basic pay for the unskilled and semi-skilled workers. Accordingly for the pay range up to Rs. 50 the existing scale of grain concession and dearness allowance will be retained. For the pay range above Rs. 50, in addition to the grain concession the following scale of dearness allowance is fixed:—

Pay range.	Dearness allowance.
	Rs.
Rs. 51—100 ...	27
Rs. 101—150 ...	32
Rs. 151—200 ...	37
Rs. 201 and above	42

The representative of the Company has stated that before the Major Jute Tribunal, the workmen have asked for the abolition of the grain concession system and have asked for the full dearness allowance in cash; and that if the Major Jute Tribunal should direct the abolition of the grain concession and the payment of the whole dearness allowance in cash, the Company should have the option of abolishing the grain concession for the workmen of the Engineering Works also and pay them cash dearness allowance instead. The representative of the Union has no objection to the proposal. Accordingly it is ordered that the Company may at its option discontinue the system of giving subsidised ration to the employees, b in that case dearness allowance will be paid at t following scale:—

Pay range.	Dearness allowance
	Rs
Up to Rs. 50 ...	25
Rs. 51—100 ...	35
Rs. 101—150 ...	40
Rs. 151—200 ...	45
Rs. 201 and above ...	50

and further the minimum basic pay for the unskilled worker and semi-skilled worker will be fixed respectively to Re. 1-2-6 per day and Re 1-4 per day.

Issue No. 3—Abolition of Piece Rates and Hourly Rates.

The Union has claimed the abolition of piece rates, but piece rates are sometimes advantageous to the workmen themselves, for a dexterous worker may earn more than a time rated worker under the piece rate system. Piece rates are also convenient for the Company because they are a check against slackness in work. There is, in my opinion, no case made out for the abolition of piece rates. It is, however, necessary that the piece rates should be so revised that the earnings of the whole time piece rate worker does not fall below the earnings of a time rated worker of the corresponding grade.

The Company has also opposed abolition of the hourly paid system contending that the system is an automatic check on attendance; and that when a worker is regular in attendance he earns his full wages like the monthly paid worker. Even in the case of a monthly paid worker there may be a system for deduction of wage corresponding to a period of absence from the total number of hours of work prescribed. Accordingly I find no reason for directing the abolition of hourly rate when fixed on the basis of the minimum wages prescribed.

Issue No. 4—Classification of Employees in Categories and Scales of Pay of different Categories.

When dealing with issue No. 1, I have already pointed out the difficulty in classifying the employees into the different categories. Accordingly this question is left open. As to scales of pay this has already been fixed for the clerical staff and for peons and darwans. For the factory workers there is no system of time scale in most of the engineering workshops. Instead there are several grades of pay and workers are promoted from one grade to another according to their skill and efficiency. This system should be retained for the present. The claim that scales of pay should be framed for all different categories of employees is rejected.

Issue No. 5—Bonus for War Years and Subsequent Years.

The Union has claimed compensatory bonus equal to 3 months' pay for their privations during the war years during which, it is said, the Company earned a lot of profits but did not pay adequate wages and dearness allowance to the workmen. The claim for compensatory bonus does not however come within the scope of the Industrial Tribunal, because the claim for compensatory bonus is not a dispute concerning the terms of employment of the workmen and the dispute is not therefore an industrial dispute as defined in the Industrial Disputes Act. The claim for the compensatory bonus therefore is rejected.

As to annual general bonus it is admitted that the Company has no system of paying bonus at present. The only bonus ever paid by the Company was Independence Day Bonus at Rs. 10 per head. It is not for the Tribunal to lay down a policy of profit sharing bonus. An award as to bonus can be made only when there is a practice of paying bonus and therefore the payment of bonus is

plied term of employment. Such is not the case re and accordingly the claim for general bonus also rejected.

Issue No. 6—Retiring benefits—Contributory provident fund and gratuity.

At present there is a contributory provident fund the clerical staff, the rate of contribution being anna in the rupee. For the factory staff there no contributory provident fund, but they are id pension instead at the rate of Rs. 10 per nth after 30 years' continuous service. The nion wants that the contributory provident fund ould be extended to the factory staff also and at in addition a gratuity should be paid, at the te of one month's pay for each completed year service. It is also claimed that the system of nsion should be retained but the qualifying vice should be reduced to 25 years.

The Company has opposed the claim for gratuity d the Company has also opposed the claim for ovident fund in addition to pension for the factory orkmen. The Company says that in this respect e Company is willing to follow the award of the ajor Jute Tribunal, because the workmen of the ur jute mills under the same company will have tiring benefits according to the award of the ajor Jute Tribunal and the Company desires that workmen in the Angus Engineering Works get e same benefit. I consider this prayer reasonble in view of the fact that the Company has a stem of retiring benefit, both for the clerical staff id for the factory staff, though different kinds retiring benefits are given to the two categories employees. Accordingly in the matter of retirg benefits the present system should be retained til the award of the Major Jute Tribunal is blished and thereupon retiring benefits for the nployees of the Angus Engineering Works should brought into line with the retiring benefits of e jute mill workers under the Company.

Issue No. 7—Holidays and Leave.

The Union has claimed one month's privilege ave with average pay, 15 days' casual leave with 21 days' quarantine leave with pay and all nk holidays, for all classes of employees, and ther sick leave with full pay for one month on edical certificate. The present system is that the ctory staff gets six festival holidays and 10 ntinuous holidays under the Factories Act per ar while the clerical staff gets in addition 15 ys privilege leave (one month for the clerical aff for A, Head and Special grades). There is rule for casual leave or sick leave but such leave granted at the discretion of the management. he learned Counsel for the Company has urged at for the factory workmen, since the Factories ct lays down the leave with pay to be allowed, e Tribunal has no jurisdiction to consider the uestion and to prescribe leave with pay beyond e standard prescribed by the Factories Act. I m not, however, satisfied that the Factories Act kes away the jurisdiction of the Industrial ribunal to fix the standard of leave and holidays excess of the standard prescribed by the Act. he Act prescribes the minimum leave and holidays at must be allowed. It contemplates that ctories may grant leave and holidays in excess the minimum prescribed, for there is a provision exempting the factories with satisfactory leave les from the operation of the section of the tories Act which deals with leave and holidays. old that the Tribunal may fix leave and holidays the factory workers also. In accordance with award of the Major Engineering Tribunal, I ct that the following leave and holidays with should be granted to factory workmen per r: 8 festival holidays with pay, the days to selected in consultation with the workmen, 14 s' leave with pay including 10 days' continuous idays under the Factories Act. Where the idays under the Factories Act include one nday or two for which no pay is given, a compensatory leave with pay for a day or two as the case may be must be given to make up the total number of days of leave with pay, other than festival holidays, to the prescribed number of 14. Such leave may be accumulated for two years and will be granted to workmen who have completed 12 months' work in the factory as provided in the Factories Act.

The Union representative has urged that instead of the 10 days' continuous holidays under the Factories Act the workshop is closed for 10 days with the result that those who have not earned paid holidays under the Factories Act get nothing. It is urged that such workmen who have not earned the paid holidays should not be compelled to go on leave without pay by closing the workshop for 10 days and that they should be given leave with pay when they have earned it and when they apply for it. For the Company it is stated that it would not be possible to keep the workshop working only for those men who have not completed 12 months' service and who therefore have not earned the paid holidays. In such a case compensation at half the rate of pay and dearness allowance should be given to the workmen on the principle that such closure of the workshop causes an involuntary unemployment of the workmen. The period of 10 days can be included within the 30 days for which compensation is prescribed (*vide* issue No. 8, clause 3).

Further all workmen will get sick leave for 15 days in the year on medical certificate with half pay so long as the Employees' State Insurance Act is not applied to this workshop.

For the clerical staff there is no reason to interfere with the existing rules regarding privilege leave. It is, however, provided that the clerical staff will get casual leave with pay for 7 days in the year and will also get sick leave on half pay for 15 days in the year. The sick leave will accumulate from year to year if not utilised.

Issue No. 8.—(a) Promotion.

The Union claims that full opportunity for obtaining promotion should be given to all workmen. The Company agrees to the proposal. Accordingly it is provided that when there is a vacancy in a higher grade, the workmen of the lower grade should be given the opportunity for obtaining promotion to that vacancy, by being allowed to appear at trade tests in respect of fitness.

(b) Removal of discrimination.

The Union contends that there are some European mechanics who are paid at disproportionately higher rates and that this discrimination should be removed. It appears however from the statement of the Company that there are only six European employees and they are only in the highest cadres like foreman and skilled technicians. It is to be remembered that the Company is a European company and the Indian workmen cannot really object if the Company employs some European technicians and foremen. If Europeans are recruited they necessarily have to be paid a higher rate of pay as the rate of pay equivalent to that of Indian workmen of the same category would not attract them for service. Accordingly the claim for removal of discrimination in this respect is rejected.

(c) Probationary period and apprenticeship.

As to the probationary period the representative of the Company says that it is only one month. Accordingly there is no dispute about the probationary period. As to apprentices, the Union claims that all apprentices should be guaranteed permanent employment under the Company on completion of the training period, and that for the period of training they should get an allowance equivalent to the minimum basic wage plus dearness allowance for the unskilled worker. The Company has opposed both these claims. As to the

guarantee for permanent service, the Company has said that if such a guarantee is required, the Company would have to reduce drastically the number of apprentices taken, and this would deny opportunity of training for the various jobs to many people who are getting training as apprentices under the Company at present. I agree that to ask for a guarantee for permanent service for all the apprentices employed under the Company would force the Company to reduce the number of apprentices taken and this would not be for the good of the country at large. Accordingly the claim that such a guarantee should be given is rejected.

Regarding the claim for allowance for the apprenticeship period it is to be remembered that an apprentice is usually a young man of between 15 to 20 and he does not have a family to maintain. Accordingly the minimum basic wage plus dearness allowance fixed for a workman on the footing that he has to maintain a family equivalent to three adult units does not apply to the case of an apprentice. The Company has filed a chart showing the rate of payment to different classes of apprentices. The educated apprentices are paid at the rate of 1.359 annas per hour to 2.600 annas per hour and uneducated apprentices are paid at the rate of 1.127 annas per hour to 2.256 annas per hour. These rates cannot be regarded as too low, because it appears from paragraph 5 of the written statement of the Company that the apprentices or learners get in addition food concession allowed to all permanent workmen and dearness allowance at the rate of Rs. 4-8 per week. Thus the total remuneration of the apprentices comes to about Rs. 40 per month and this must be considered as adequate. Accordingly the claim for increasing the allowance of apprentices is also rejected.

(d) Rules of retrenchment, dismissal and involuntary unemployment.

For the Company it has been suggested that this should also be left to be governed by the award of the Major Jute Tribunal. At present however the Company has no system of paying any compensation for involuntary unemployment and therefore I consider it necessary to make a provision as has been done by the Major Engineering Tribunal. It is therefore directed that when there is temporary stoppage of work due to mechanical breakdown or shortage of essential raw material or for any other cause not within the control of the workmen, the workmen should get compensation for involuntary unemployment at the rate of half the pay and dearness allowance, for the period of 30 days in each period of 6 months from January to June and July to December. For earning this compensation the workmen must attend a muster roll in the factory premises at least once a day and must be prepared to do alternative work which may be provided by the Company either at their usual place of business or in any other establishment under the same management. This rule will not debar the employer from discharging the workmen if the employer is satisfied that the period of stoppage of work is likely to be long. In such a case of discharge the usual rule of notice or pay in lieu of notice will apply.

In case of misconduct *prima facie* justifying dismissal, there should be written charge sheet supplied to the employee concerned, and the employee should be given the opportunity for replying to the charges. The employee may however under suitable cases be suspended forthwith, but dismissal must be made only after the formal proceedings have been gone through. The claim of the Union for a joint board on which the employer and the employees are equally represented, for deciding all questions of dismissal, is rejected.

(e) Provision of relieving hands.

The Union claims that when the workman goes on leave no substitute is appointed in his place and that this causes accumulation of work; and that further, on the plea that there is no relieving hand the workman is denied leave which is due to him. It is therefore claimed that a leave reserve should be employed. The Company has, however, stated that there is no question of accumulation of work for when a workman goes on leave, his machine remains idle and when he comes back he does only a day's work and not more. It is also denied on behalf of the Company that on the ground of want of a relieving hand, leave has been refused to a workman when he has really needed leave. No concrete instance in this respect is given by the Union. The Company has urged that it has about 700 hands in the workshop and that there is no room to employ additional men in the workshop. Accordingly the claim for provision of relieving hands is rejected.

Issue No. 9—Overtime Pay including overtime for work on Sundays and Holidays.

Overtime pay must be governed by the provisions of Factories Act. As to the claim for overtime pay for work on Sundays and holidays there is provision for alternative holidays when work has to be done on a Sunday and holiday; and this provision is followed. Further the representative of the Company said that the work is very rarely done on Sundays. Accordingly I find that there is no case for granting overtime pay for work on a Sunday or a holiday; the claim is rejected.

Issue No. 10.—Provision of free quarters, or House Rent Allowance.

At present the Company provides quarters to a proportion of its employees but charges house rent from them. The Union claims that all employees should be supplied with quarters and that the quarters should be rent free, and so long as the quarter is not supplied there should be house rent allowance. The provision for a house rent allowance has however been made by the Central Pay Commission only for big towns like Calcutta and Bombay and for fair sized towns with a population of over one lac. For Mufassal areas and small country towns there is no reason therefor to grant house rent allowance. The workshop of the Company is situate near Hooghly which is a small town and the claim for house rent cannot therefore be allowed. As to the provision of further quarters for employees, no such order can be made in view of the well-known shortage of building materials at the present time. There can be no objection to the employers charging house rent for the quarters actually provided for wage or salary includes an element of house rent and so long as house rent charged does not exceed 10 per cent. of the basic pay there can be no objection. Even the Calcutta House Rent allowance for Government servants is for what the employee has to pay in excess of 10 per cent. of his basic pay.

Issue No. 11.—Establishment of Cheap Canteen.

There is at present no canteen provided and the Union therefore claims that a cheap canteen should be provided for supplying refreshment to the workmen during the recess period, for there are workmen who live at a distance and cannot go home for refreshment during worktime. The Company has objected that there is no legal provision at present making it compulsory for the employer to provide a canteen. It is, however, well recognised that the provision of a canteen makes for efficiency of the workmen, because if the workmen get the opportunity of taking some refreshment at reasonable prices during the break or period, they can work with renewed energy when the work is resumed. I do not, however, consider that it would be equitable to ask the Company to provide the refreshment at a concession price. The Company can only be urged not to make any profit for the canteen but take the cost price. Accordingly it is recommended that a canteen be provided for the workmen of the Angus Engineering Works, as soon as the Company can conveniently do it, and that refreshment be charged at the price just sufficient to cover the expenses of running the canteen.

Issue No. 12.—Medical Aid.

The Company has a Health and Welfare Department which provides a well equipped dispensary, a hospital for men and a hospital for women. These facilities are for the workmen of the Angus Engineering Works and also the workmen of the jute mills under the same management. The medical facilities provided are sufficient, and there is no substance in the claim made by the Union that medical facilities earmarked for the employees of the Angus Engineering Works should be provided. This claim is therefore rejected.

Issue No. 13.—(a) Rest room.

The Company does not provide any rest room and claims that no rest room is needed, for men of the workshop go to their homes or to Bazar Hotel for their meals during mid-day break. If the Company starts a canteen that would also serve the purpose of a rest room. I have already recommended that the Company should take steps for the establishment of a canteen. Accordingly the separate prayer for a rest room is rejected.

(b) Education of employees' children.

The Company maintains for the benefit of the workers' children a Boys' Primary School and a Girls' Primary School and the schools are free schools. I must hold that the Company has made sufficient provision for the education of the employees' children and the claim made by the Union of the cash allowance of Rs. 5 per child per month under this head must be regarded as unreasonable and rejected.

(c) Provision for games and theatrical performances.

The Company has already provided a Welfare Club with recreational facilities. The Union's representative says that the Welfare Club is utilised mainly by the jute mill workers and that a separate provision should be made for Engineering Workshop employees but the Welfare Club is open to all employees under the Angus Company, Ltd. The employees of the Engineering Workshop are not barred from participating in the advantages of the Welfare Club. The claim for the provision of a separate Welfare Club for the employees of the Engineering Workshop is rejected.

Issue No. 14.—Recognition of the Union.

On behalf of the Company it has been urged that the recognition of the Union is not an industrial dispute because it is not a question in connection with the employment or non-employment or terms of employment or conditions of labour. This contention must be upheld and the question of recognition of the Union must be left for adjudication to the Labour Court when it is set up under the Amended Trade Union's Act. The subsidiary question whether the Darwans should be permitted from the employees' union is also left open.

Accordingly the following award is made in this dispute:—

(1) The minimum basic pay of the unskilled workmen is fixed at Rs. 27-8 per month, which is equivalent to Rs. 1-1 per day or 2·125 annas per hour. The minimum basic pay of the semi-skilled is fixed at Rs. 32-8 per month or Re. 1-4 per day or 2·5 annas per hour. All classes of semi-skilled and skilled workers will get a flat rise of pay of Rs. 6-8 equivalent to 4 annas per day or ·50 anna per hour.

Persons are to be in the scale of Rs. 25—1—40 and Darwans Rs. 30—1—45. Coolie Sardars will get Rs. 32-8 as the minimum basic pay per month or Re. 1-4 per day. For the clerical staff the scale for out-door clerks like Tally Clerk is fixed at Rs. 50—2·8—80. The scale of the office clerk of the lower grade is fixed at Rs. 55—3—85. The grades of A grade clerk and Head grade clerk are modified to Rs. 85—4—125 and Rs. 125—5—160, respectively. The clerical staff of upper grade will draw the new minimum pay fixed for that grade plus one increment for every 3 years of service with the proviso that the pay thus fixed shall not be less favourable than the stage in the new time scale just above the pay which he is now drawing.

(2) Dearness allowance is fixed as follows:—

For employees drawing up to Rs. 50—Rs. 19-8 in cash plus grain concession.

For employees drawing above Rs. 50 but not above Rs. 100—Rs. 27 per month plus the grain concession.

For workers drawing above Rs. 100 but not above Rs. 150—Rs. 32 plus grain concession.

For employees drawing above Rs. 150 but not above Rs. 200—Rs. 37 plus grain concession.

For employees drawing above Rs. 200—Rs. 42 plus grain concession.

The Company may at its option discontinue the grain concession or subsidised ration system for the employees. In that case the basic pay of the unskilled and semi-skilled workers will be raised to Rs. 30 per month or Re. 1-2-6 per day and Rs. 35 per month or Re. 1-5-6 per day and dearness allowance of all classes of workers will be governed by the following table:—

Up to Rs. 50—Rs. 25.
Above Rs. 50 but not above Rs. 100—Rs. 35.
Above Rs. 100 but not above Rs. 150—Rs. 40.
Above Rs. 150 but not above Rs. 200—Rs. 45.
Above Rs. 200—Rs. 50.

(3) The prayer for abolition of piece rates and and hourly rates is rejected. Piece rate should however be revised by the Company so that the earning of the permanent piece rate worker does not fall below the earning of a time rate worker of the same grade and the hourly rates should be fixed on the basis of the revised basic wages fixed.

(4) The question of classification of employees into different categories is left open.

(5) The claim for compensatory bonus for war years and for general profit sharing bonus is rejected.

(6) The existing retiring benefits will remain unaltered until the publication of the award of the Major Jute Tribunal when the retiring benefits awarded by that Tribunal will be extended to the employees of the Engineering Workshop.

(7) The factory staff will get leave and holidays as follows:—

8 festival holidays with full pay.

14 days' leave with full pay, including 10 days' continuous holidays under the Factories Act.

15 days' sick leave on half pay so long the Employees' State-Insurance Act is not extended to this category.

The clerical staff will get privilege leave as at present plus 7 days' casual leave with pay plus 15 days' sick leave with half pay in a year. The sick leave will accumulate at the credit of the employee if it is not taken in any particular year.

(8)(*a*) The workmen should be given sufficient opportunity for promotion to a higher grade.

(*b*) For the period of involuntary unemployment the workmen will be paid a compensation at the rate of half his pay and dearness allowance, for the period of 30 days in each half year; but to earn this compensation the workmen must attend the muster roll held in the factory premises at least once a day and must do any alternative work that may be provided by the management either at the usual place of business or in any other establishment under the same management.

(9) Overtime pay will be governed by the Factories Act. Claim for overtime pay for work on a Sunday or a holiday is rejected.

(10) The claim for free quarters or house rent allowance is rejected.

(11) It is recommended that the Company should at an early date establish a canteen for supplying refreshment to the factory workmen during the break off period; refreshment should be supplied at a price just sufficient to cover the expenses for running the canteen.

(12) The medical facilities provided by the Company are considered sufficient.

(13) The amenities provided by the Company are considered sufficient.

(14) The question of recognition of the Union is left open for adjudication by the Labour Court when set up.

The award will come into force from the 1st June 1948 or any date prescribed by the Government.

S. K. SEN,
Tribunal.

The 9th June 1948.

By order of the Governor,
D. S. P. MUKHERJEE,
Joint Secy. to the Govt. of West Bengal.

ORDER.

No. 2266Lab.—6th July 1948.—Whereas under the Government of West Bengal, Commerce, Labour and Industries Department, Order No. 925Lab., dated the 27th March 1948, the industrial dispute between the Ganges Engineering Works, Bally, Howrah, of the Calcutta Steam Navigation Co., Ltd., 5, Fairlie Place, Calcutta, and their workmen as represented by the Ganges Engineering Works Union, c/o Sri Sibnath Banerji, 3-1, Kali Banerji Lane, Howrah, was referred for adjudication to Sri S. K. Sen, I.C.S.;

And whereas the said Sri S. K. Sen, I.C.S., has given the award as shown in the annexure hereto;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 read with sub-section (3) of section 19 of the Industrial Disputes Act 1947 (XIV of 1947), the Governor is pleased to make the following order and to direct with reference to section 17 of the said Act that the award be published in the *Calcutta Gazette*.

The award made by the said Sri S. K. Sen, I.C.S., shall bind the Company and their workmen aforesaid as specified therein and shall remain in force for a period of one year with effect from the date of its publication.

ANNEXURE.

In the matter of an industrial dispute between the Ganges Engineering Works of the Calcutta Steam Navigation Company, Ltd., and their workmen as represented by the Ganges Engineering Works Union.

PRESENT: Sri S. K. SEN, I.C.S.
Present for the Company: Mr. F. C. Steward.
Present for the Union: Sri Sibnath Banerji.

Award.

By Government of West Bengal Order No. 925Lab., dated the 27th March 1948, this dispute between the Ganges Engineering Works, Bally, and their workmen as represented by the Ganges Engineering Works Union, was referred to me for adjudication. The Ganges Engineering Works is a part of the Calcutta Steam Navigation Company, Ltd., which has a fleet of 22 steamers and about 200 cargo boats, and maintains local steamer ferry services and steamer services from Calcutta to Kolaghat and Ranichuck on the Rupnarain. The Engineering Works, employing about 300 men is maintained solely to repair the Company's own fleet of steamers, towing launches and cargo boats. We are in this case concerned with the Engineering Works only.

The Ganges Engineering Works Union did not appear before this Tribunal on receipt of notice and filed its written statement containing the demands, and claiming to be the representative of the workers of the Ganges Engineering Works. The Company in reply filed a written statement saying that before the setting up of this Union the Company had not heard of the Ganges Engineering Works Union, and stating that in February, 1947, an agreement had been signed between the Company and the Bengal Mariners' Union concerning the revised wages and terms of employment of the workers of the Ganges Engineering Works as well as of the employees of the Company's steamers and river craft, and that the Company had fully implemented the terms of the agreement. A copy of the agreement, which is dated 28th January 1947, was filed with the Company's written statement; it shows that the Company recognised the Bengal Mariners Union as the sole representative of the Company's steamer and cargo boat crews and the workshop employees. At the request of the Company's representative notice was issued on the Bengal Mariners Union, though that Union is not named in the Government order of reference. The Bengal Mariners' Union appeared and filed a statement in which it claims to represent the workers of the Engineering Works; it also referred to its agreement with the Company made in January 1947; and ended by saying that in view of the Company's readiness to be bound by the award of the Major Tribunal in connection with the Engineering industry, as expressed by the Company at page 4 of its written statement, the Mariners' Union had no reason to join issue with the Company. Accordingly the Ganges Engineering Works Union pressed its case on the issues which were framed before the Mariners' Union appeared on the scene.

Issues.

1. Minimum basic pay and scales of pay for unskilled, skilled and other categories of workers.
2. Dearness allowance for different categories of workers.
3. Privilege leave, sick leave and casual leave.
4. Overtime pay for work on Sunday.
5. Security of service and standing orders.
6. Provident Fund and other retiring benefits.
7. Independence Day bonus and Puja and Id bonus.
8. Conversion of daily wages system into monthly pay system.
9. Recognition of Ganges Engineering Workers' Union.

DECISION.

Issue No. 1—Minimum basic pay and scales of pay.

The Union has demanded the following scales of pay for the different categories of workers:

Unskilled labour including gardeners, pan-keepers and bearers—Rs. 40—1—45.

Skilled labour—Rs. 70—3—100.

Highly skilled workmen—Rs. 100—5—185.

Schedule B of the agreement between the Company and the Mariners' Union, which now governs the wage structure of the workshop staff, shows that the daily wage of the unskilled worker has been fixed at Re. 1-1 with increment of 1 anna after every two years up to Rs. 1-9 and that the minimum and maximum rates for all jobs in the workshop have been fixed also. There appear to be some anomalies, e.g., while the minimum and maximum rates for the unskilled workmen are

ed at Re. 1-1 and Rs. 1-9, respectively, those for khalasi as well as the tool-keeper khalasi are ed at Re. 1-2 and Re. 1-6. The minimum rates the beltman, motor starter, rivet-heater and ter are rather low, varying from Re. 1-2-6 to 1-4 per day. The Company is willing to be ed by the award of the Major Engineering bunal as to the minimum basic pay and scales pay, but the Company strongly opposes the nd of the Union to raise the pay scales to 40 1—45, Rs. 70—3—100 and Rs. 100—5— on the ground that even the increase of pay the figures agreed between the Company and Mariners' Union has converted the Company's ourable balance-sheet into an adverse balance-et, and the Company may be compelled ncrease the fares of the local ferry ices to cover the running costs. But the ning costs of the steamer services have eased owing to a variety of causes and not ely on account of the increased cost of repair-the steamers through the increase in the wage of the workshop staff. As no outside work is done at the workshop, no separate account of the rkshop is kept, it is difficult therefore to ascer-precisely what is the increased expenditure the increase in the wages of the workshop what is the increased expenditure from the ease in the wages of the steamer and cargo crew, and what is the increased expenditure ccount of rise in prices of raw materials, parti-ly coal and oil. Further, the business of the pany must have been greatly hampered by the bances in 1946 and 1947. The Company's balance-sheet has not been produced, and it is not possible to say how far the Company an increased burden in respect of the s of the workshop staff. I agree however e rates asked by the Union are too high Company has agreed to accept the award of Major Engineering Tribunal, and for the I see no reason to fix a scale of wages than that adopted by that tribunal. It may that that scale is not an ideal one; but wages are increased by graduat stages, the stry would not be able to bear the burden.

Therefore fix the minimum wage rate for the ed worker as Re. 1-2-6 per day, that for the as Re. 1-3-6 per day and that for beltman, starter, rivet-heater and plater as Re 1-5-6 day. The maximum rates for these jobs will creased by the same amount as the minimum except in the case of the unskilled worker, ose case maximum fixed is adequate. For jobs listed in schedule B of the agreement, minimum as well as the maximum rates will creased by 2 annas per day. For gardeners, -keepers and bearers, the scale of Rs. 25—1— is fixed

Issue No. 2.—Dearness allowance.

e Union has claimed that the dearness wance should be increased from Rs. 25 to 40 per month. In accordance with the award he Major Engineering Tribunal, the following mated scale of dearness allowance is fixed:—

Rs. 25 for pay range up to Rs. 50.

Rs. 30 for pay range above Rs. 50 but not above Rs. 100.

Rs. 40 for pay range above Rs. 100 but not above Rs. 150.

Rs. 45 for pay range above Rs. 150 but not above Rs. 200.

Rs. 50 for pay range above Rs. 200.

e No. 3.—Privilege leave, casual leave and sick leave.

e Company has no fixed leave rules now. Union demands 30 days' leave with full pay 30 days' sick leave with full pay in one year.

In accordance with the award of the Major Engineering Tribunal, the following scale of leave and holidays is fixed for each year:—

Festival leave with pay for 8 days in the year, the days to be fixed in consultation with the workers;

Leave with pay for 14 days in the year, including ten days' continuous holidays under the Factories Act, with right of accumulation for two years; this will include compensatory leave with pay for a day or two according as the ten days' holidays include one Sunday or two for which no payment is made;

Sick leave on half pay for 15 days in the year, to be allowed so long as the Employees State Insurance Act is not operative in respect of the Workshop

Issue No. 4.—Overtime pay for work on Sunday.

So far as factory workers are concerned, the Factories Act provides for a compensatory holiday when work is done on a Sunday. Hence there is no scope for overtime pay for work on Sunday. Gate-keepers, bearers and gardeners are expected under the contract, express or implied, of their employment to work every day, and so the question of overtime pay for their work on Sunday does not arise. This claim is therefore rejected.

Issue No. 5.—Security of Service and Standing Orders.

The Union has demanded revision of the Standing Orders, but has given no indication of the amendments wanted. Similarly no indication has been given by the Union regarding the terms wanted to ensure security of service. Since however the Company has agreed to be bound by the award of the Major Engineering Tribunal, the rules as to discharge, dismissal, termination of service and involuntary unemployment framed by that Tribunal will govern the Company in respect of the workshop, and the Company must make such amendments to its Standing Orders as have been prescribed in that award.

Issue No. 6.—Provident Fund and other retiring benefits.

The Company has a system of paying pension to workmen who retire after completing 35 years' service. The Union wants that the Contributory Provident Fund should be introduced for all the workmen of the workshop. The Company's representative says that the pension scheme is more beneficial for the workmen who would tend to spend the whole money received from the Provident Fund unwisely and again approach the Company as their old employer for help. But since the Company has agreed to accept the award of the Major Engineering Tribunal, which has made its award in favour of a Contributory Provident Fund Scheme supplemented by retiring gratuity until the Provident Fund gives substantial relief, I must direct that the Company should start a Contributory Provident Fund with compulsory membership for all permanent workers, contribution at 6¼ per cent. by both the employer and the employee, and benefit rules as contained in the Model Provident Fund Rules of the Indian Engineering Association; and that further for the employees retiring within the next twelve months, a gratuity should be given to supplement the Provident Fund benefit, as directed in the award of the Engineering Tribunal. The Company may at its option abolish the pension system, without affecting those who are now drawing pension.

Issue No. 7.—Independence Day bonus, Puja and Id bonus.

The demand for 15 days' pay as Independence Day bonus by the workshop staff was the immediate cause of the present trouble between the Company

and the Ganges Engineering Workers' Union. The Company offered three days' wages as Independence Day bonus, but the offer was not accepted by the workshop employees. The Union demands 15 days' pay as Independence Day bonus, giving the argument in support of the claim that the Company has given 15 days' pay as bonus to the clerical staff. The Company has opposed the claim, contending that the claim for Independence Day bonus does not come within the definition of an industrial dispute under the Industrial Disputes Act, and so there can be no award on the point. This contention must be upheld; the payment of an Independence Day bonus is an *ex gratia* payment and does not come within the scope of this Tribunal. But the Company should not for the sake of industrial peace discriminate between different classes of employees in the matter of the Independence Day bonus and though there can be no binding award in the matter of this claim, I recommend that the Company should pay Independence Day bonus equal to 15 days' basic pay to the workshop staff as has been done to the clerical staff.

There is however nothing to support the claim for Puja and Id bonus. It is admitted by the Union that there is no such practice at present. Hence the claim for Puja and Id bonus is rejected.

Issue No. 8.—Conversion of daily wage system into monthly pay system.

Workmen almost all over the world are daily rated but weekly paid; in this Company the workmen are daily rated but fortnightly paid. The Major Engineering Tribunal has refused to countenence the claim for converting all workers into monthly paid workers. The similar claim made by this Union is rejected

Issue No. 9.—Recognition of Ganges Engineering Workers' Union.

In reply to the Union's claim for recognition in respect of the workshop staff, the Company's case is that by the agreement in January 1947, it recognised the Bengal Mariners' Union as the sole representative of the steamer and cargo boat crew as well as of the workshop staff, and that it cannot therefore be asked to recognise the Ganges Engineering Workers' Union. Further, the Company has mentioned that another Union—the West Bengal Mariners and Allied Workers' Union has recently been formed and has presented its demands, and the Company has urged that until it is decided which Union is really representative of the workshop staff, the Company should not be asked to recognise any Union; and that the matter may be sent to the Labour Commissioner for ascertaining which of the three Unions now represents the workshop staff

The question is not however one for the Labour Commissioner, but for the Labour Court which is expected to be set up shortly under the amended Trade Unions Act. The question of recognition of the Union does not properly come within the scope of the industrial tribunal, for the question is not an industrial dispute as defined in the Industrial Disputes Act. Hence I leave the question open for adjudication by the Labour Court when set up. Meanwhile I recommend that the Company should acknowledge, as a matter of courtesy, any communication that may be received from the Ganges Engineering Workers' Union; for it appears that whatever was the state of affairs in January 1947, the majority of the workshop staff are now members of the Ganges Engineering Workers' Union; enclosure 2 to annexure 12 filed by the Company with its written statement shows that the Company informed the President of the Bengal Mariners' Union that 75 per cent. of the workshop staff had filed in September 1947 a petition stating that they wanted to join the Howrah Iron Factory Workers' Union; Sri S[illegible]th Ba[illegible] has explained that he originally contemplated taking the workshop staff of the Ganges Engineering Works into his Iron Factory Workers' Union but ultimately decided to form a separate Union for them—the Ganges Engineering Workers' Union.

The following award is therefore made in the case:—

(1) The minimum wage rate for the unskilled worker is fixed at Re. 1-2-6 per day; that for a khalasi at Re. 1-3-6 per day, and that for the boilerman, motor starter, rivet heater and plater at Re. 1-5-6 per day; except in the case of the unskilled worker, the maximum rate will be increased by the amount by which the minimum rate has been increased. For other jobs in Schedule B of the agreement between the Company and the Mariners' Union, the minimum as well as the maximum rates will be increased by 2 annas per day. For gardeners, gate-keepers and bearers the scale of Rs. 25—1—40 is fixed.

(2) Dearness allowance is fixed according to the following scale:—

Rs. 25 for pay range up to Rs. 50.
Rs. 35 for pay range above Rs. 50 but not above Rs. 100.
Rs. 40 for pay range above Rs. 100 but not above Rs. 150.
Rs. 45 for pay range above Rs. 150 but not above Rs. 200.
Rs. 50 for pay range above Rs. 200

(3) The following leave and holidays will be allowed in a year:—

Eight festival holidays with pay;

Fourteen days' leave with pay, with right of accumulation for two years; this means ten days' continuous holidays under the Factories Act;

Fifteen days' sick leave on half pay, so long as the Employees State Insurance Act does not come into force.

(4) The claim for overtime pay for work on Sundays is rejected.

(5) The award of the Major Engineering Tribunal will apply as to the terms for discharge, dismissal, termination of service, provident fund, unemployment and Standing Orders.

(6) For retiring benefits, the Company will adopt the Contributory Provident Fund Scheme supplemented by gratuity as provided in the award of the Major Engineering Tribunal. The Company may at its option discontinue the pension scheme, without affecting those who are now in receipt of pension.

(7) It is recommended that the Company should grant Independence Day bonus to the workshop staff at the same rate as has been allowed to the clerical staff, *i.e.*, 15 days' basic wages. The claim for Puja and Id bonus is rejected

(8) The claim for converting the daily wage system into a monthly pay system is rejected.

(9) The question of recognition of the Ganges Engineering Workers' Union is left open for adjudication by the Labour Court when set up; in the meantime it is recommended that the Company should acknowledge communications from that Union regarding the workshop staff.

S. K. SEN, *Judge,*
Industrial Disputes Tribunal

The 7th June 1948.

By order of the Governor,
D. S. P. MUKHERJEE,
Joint Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Government Printing, West Bengal at West Bengal Government Press, Alipore, on the 8th July 1948.

ered No. C207

The Calcutta Gazette

Extraordinary

Published by Authority

FRIDAY, JULY 9, 1948

RT I—Orders and Notifications by the Governor of st Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

ORDER.

No. 619Pr.—9th July 1948.—Whereas the ...ugham", an Urdu daily newspaper of Karachi, ...ted by Hamiduddin Dehlavi, and printed and ...blished by Syed Osman Ali, at the Mashhoor ...ress Press, contained two reports relating to ...derabad in its issue, dated the 13th June 1948, ...ich in the opinion of the Provincial Government ...e likely to endanger communal harmony and the ...ety and stability of the Province of West ...gal;

Now, therefore, in exercise of the power conferred ... clause (*d*) of sub-section (*1*) of section 8 of the

By order of the Governor,
M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal.

...ted and published by the Superintendent, Govt. Ptg., West Bengal, ...at West Bengal Govt. Press, Alipore, on the 12th July 1948

West Bengal Security Act, 1948 (West Beng Act III of 1948), the Governor is pleased prohibit the publication, sale or distribution of th said issue of the newspaper, of any extract ther from, or of any translation thereof, including th publication, sale or distribution of any subsequer issue thereof, in West Bengal.

By order of the Governor,
R. GUPTA,
Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Printing, Bengal, at West Bengal Govt. Press, Alipore, on the 9th July 1

accumulation for two years, the ... ten days' continuous holidays under t Factories Act;

Fifteen days' sick leave on half pay, so lon the Employees State Insurance Act does n come into force.

(4) The claim for overtime pay for work Sundays is rejected.

(5) The award of the Major Engineer Tribunal will apply as to the terms for discha dismissal, termination of service, provision unemployment and Standing Orders.

WEST BENGAL LEGISLATIVE

ered No. C207

The Calcutta Gazette

Extraordinary

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SATURDAY, JULY 10, 1948

RT I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

, 8594D.C.S.—9th July 1948.—In exercise of powers conferred by sub-section (*1*) of section the Essential Supplies (Temporary Powers) 1946 (XXIV of 1946), read with clause (*d*) of section (2) of that section and with notification 73 I-TA/46, dated the 28th December 1946, he Government of India in the Department of stries and Supplies, the Governor is pleased ect that the following amendments shall be on the West Bengal Cotton Cloth and Yarn rol Order, 1947, as subsequently amended, ely :—

Amendments.

item (*a*) of clause (*i*) of sub-paragraph (*3*) of graph 4 of the said order *for* the word "thirty"

substitute the word "ten", and to the said ite
add the following namely:—

"Provided that the limit of cloth whi
passenger may carry as personal luggage from
Dominion of India to the Dominion of Pak
without a valid license is three pounds subje
the Export Duty of 25 per cent. *ad-valorem*."

NOTIFICATION.

No. 8593D.C.S.—9th July 1948.—In exercis
the power conferred by sub-paragraph (3) of p
graph 1 of the West Bengal Soft Coke Distribu
Order, 1947, the Governor is pleased to direct
the West Bengal Soft Coke Distribution Or
1947, published in Part I of the *Calcutta Ga*
of the 4th September 1947, at page 76, as
sequently amended, shall come into force thro
out the district of Darjeeling on the date of pu
cation of this notification.

By order of the Governor,
R. S. KRISHNASWAMY,
Secy. to the Govt. of West Beng

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gistered No. C209

WEST BENGAL LEGISLATIV
ASSEMBLY DEPARTMENT
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Calcutta Gazette

Extraordinary

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MONDAY, JULY 12, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT.
Constitution and Elections.

NOTIFICATION.

No. 886A.R.—12th July 1948.—The following is published for general information :—

WEST BENGAL LEGISLATIVE ASSEMBLY.
Bankura East (Rural) General Constituency.

Final list of candidates for by-election.

Serial No., name of candidate, address of candidate and symbol assigned to the candidate, if any

1. Sj. Asokananda Basu —Betur, post office Betur —Sheaf of paddy.
2. Rai Harendra Nath Chowdhury—'Munshi House', Baranagar, 24-Parganas—Boat.
3. Jagadish Chandra Palit—Betur post office and village—Cart

The poll will be taken on the 18th day of July 1948 between 9-30 a.m. and 5-30 p.m. at the following stations to be notified separately.

[ILLEGIBLE],
Returning Officer."

By order of the Governor,
M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal.

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WEST BENGAL LEGISLATIVE
ASSEMBLY DEPARTMENT
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Calcutta Gazette

Extraordinary

Published by Authority

WEDNESDAY, JULY 14, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATIONS

No. 868A.R.—14th July 1948.—In exercise of the power conferred by sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India Provincial Legislative Assemblies) Order, 1936, read with sub-rule (*3*) of rule 121 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, and Article 46(*3*) of the India (Provincial Legislatures) Order, 1947, the Governor is pleased to fix the 10th August, 1948, as the date before which the members of the Scheduled Castes who are entitled to vote in the West Dinajpur-*cum*-Malda (Rural) General Constituency of the West Bengal Legislative Assembly shall elect at a primary election under the said rules four persons as candidates for the seat reserved in the said constituency for members of the Scheduled Castes, in pursuance of a notification issued under the said sub-rule.

No. 869A.R.—14th July 1948.—In exercise of the power conferred by sub-rule (*3*) of rule 121 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, read with Article 46(*3*) of the India (Provincial Legislatures) Order, 1947, the Governor is hereby pleased to call upon the members of the Scheduled Castes who are entitled to vote in the West Dinajpur-*cum*-Malda (Rural) General Constituency of the West Bengal Legislative Assembly to elect at a primary election under the said rules four persons as candidates for the seat reserved in the said constituency for members of the Scheduled Castes before the 10th August 1948 which is the date fixed in that behalf by the Governor under notification No. 868A.R., dated the 14th July 1948.

No. 870A.R.—14th July 1948. In exercise of the power conferred by sub-rule (*2*) of rule 9 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is hereby pleased to publish the following dates fixed by him under sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with clauses (*a*), (*b*) and (*c*) of sub-rule (*2*) of the said rule for the doing of acts, in connection with the primary election to be held in the West Dinajpur-*cum*-Malda (Rural) General Constituency of the

West Bengal Legislative Assembly in pursuance of notification No. 869A.R., dated the 14th July 1948, mentioned respectively opposite each such date:—

Date on or before which nominations of candidates are to be made- 19th July 1948.

Date on which scrutiny of nominations is to be held—20th July 1948.

Date on or before which candidatures may be withdrawn—21st July 1948.

No. 871A.R.—14th July 1948.—In exercise of the power conferred by sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislative Assemblies) Order, 1936, read with sub-rule (2) of rule 40 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is pleased to fix the 28th July 1948 as the date on or before which a presiding officer, polling officer or polling agent or public servant, who, being an elector of the West Dinajpur-*cum*-Malda (Rural) General Constituency in which a primary election shall be held in pursuance of notification No 869A.R., dated the 14th July 1948, is duly authorised or appointed for duty at a polling station at which he is not entitled to vote, shall apply to the Returning Officer of the Constituency for a certificate entitling him to vote at that polling station but at no other in connection with such primary election.

No. 872A.R.—14th July 1948.- In exercise of the powers conferred by sub-rule (2) of rule 9 and sub-rule (*1*) of rule 23 of the West Bengal Legislative Assembly Electoral (Conduct of Elections) Rules, 1947, the Governor is pleased to publish the following date which has been fixed by him under sub-paragraph (*1*) of paragraph 20 of Part I of the Government of India (Provincial Legislatu Assemblies) Order, 1936, read with clause (a) sub-rule (2) of rule 9 of the said rules as the da on which a poll shall, if necessary, be taken an the following hours which have also been fixed b him under sub-rule (*1*) of rule 23 of the said rule for polling at the primary election to be held i the West Dinajpur-*cum*-Malda (Rural) Gener Constituency of the West Bengal Legislatu Assembly in pursuance of notification No. 869A R dated the 14th July 1948:—

Date on which a poll shall, if necessary, be taken.	Hours for polling.	
	Hour at which the poll shall commence.	Hour at which th poll shall close
30th July 1948	9-30 a. m.	5-30 p. m.

No. 873A.R.—14th July 1948.—In exercise o the power conferred by sub-paragraph (*1*) of para graph 20 of Part I of the Government of Indi (Provincial Legislative Assemblies) Order, 1936 read with sub-rule (2) of rule 13 and sub-rule (*1*) of rule 44 of the West Bengal Legislative Assembl Electoral (Conduct of Elections) Rules, 1947 th Governor is pleased to fix the 4th August 1948 a the date for the counting of votes at the primary election to be held in the West Dinajpur-*cum*-Malda (Rural) General Constituency in pursuanc of notification No. 869A.R., dated the 14th July 1948, and in which a poll shall be taken in pursuance of notification No. 872A.R., dated the 14th July 1948.

By order of the Governor
M. A T IYENGAR
Joint Secy to the Govt. of West Bengal

Printed and published by the Superintendent, Government Printing, West Bengal
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The Calcutta Gazette

Extraordinary

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WEDNESDAY, JULY 14, 1948

PART I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

ORDER.

No. 639Pr.—14th July 1948.—Whereas the leaflet in Urdu beginning with the words "Musalmano 5½ Karor bekas" and ending with "Telephone number 5147" purported to be issued by the Muslim Pakistan Islam League, Ferozepore Road, Lahore, contains words which in the opinion of the Provincial Government are likely to endanger communal harmony and the safety and stability of the province of West Bengal;

Now, therefore, in exercise of the power conferred by clause (*d*) of sub-section (*1*) of section 8 of the

West Bengal Security Act, 1948 (West ... Act III of 1948), the Governor is pleased to pro hibit the publication, sale or distribution of th said leaflet, of any extract therefrom, or of an translation thereof, in West Bengal.

By order of the Governor,

R. GUPTA,

Secy. to the Govt. of West Beng

Printed and published by the Superintendent, Govt. Printing, Bengal, at West Bengal Govt. Press, Alipore, on the 14th July

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RT I—Orders and Notifications by the Governor of st Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Special Section.

NOTIFICATION.

No 6519H.S.—21st July 1948.—In exercise of power conferred by sub-section (*1*) of section of the Government of India Act, 1935, the vernor is pleased to direct that the West Bengal urity (Amendment) Ordinance, 1948 (West gal Ordinance No. VIII of 1948), shall apply the district of Darjeeling subject to the modifion that in sub-section (2) of section 1 of the said linance for the words and figures "Commence- t of the West Bengal Security Act, 1948" the ds and figures "application of the West Bengal urity Act, 1948, to the Darjeeling district" ll be substituted.

By order of the Governor,

R. GUPTA,

Secy. to the Govt. of West Bengal.

and published by the Superintendent, Govt. Ptg., West Bengal, West Bengal Govt. Press, Alipore, on the 21st July 1948.

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THURSDAY, JULY 22, 1948

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT
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RT I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

RTMENT OF COMMERCE, LABOUR AND INDUSTRIES.

Labour.

ORDER.

2459Lab.—21st July 1948.—Whereas the Government of West Bengal, Commerce, Labour and Industries Department, order 374Lab., dated the 11th February 1948, read its corrigendum No. 633Lab., dated the 3rd 1948, the industrial dispute between the ration of Calcutta and their workmen as ented by the five unions mentioned in the ule annexed to the said order, dated the 11th ary 1948, and such other registered trade as might have been permitted by the Tri- hereinafter mentioned to be represented idually for legitimate reasons, was referred ljudication to Sri S. K. Sen, I.C.S., as Chair- and Sri Pushpita Ranjan Mukherji and Sri wmie Sarkar, Additional District Judges, bers;

whereas the said Tribunal has given the s shown in the annexure hereto;

therefore, in exercise of the powers con- by sub-section (2) of section 15 read with ion (3) of section 19 of the Industrial Dis- ct, 1947 (XIV of 1947), the Governor is to make the following order and to direct ference to section 17 of the said Act that ard be published in the *Calcutta Gazette*.

ward made by the said Tribunal shall bind poration of Calcutta and their workmen d and shall remain in force for a period of with effect from the date of its publica-

ANNEXURE.

matter of an industrial dispute between the poration of Calcutta and its employees.

PRESENT:

ri S. K. SEN, I.C.S., *Chairman*.
ri P. K. SARKAR, *Member*.
ri P. R. MUKHERJI, *Member*.

Calcutta Corporation—

Sri D. N. Ganguli, Chief Engineer.
Sri Paritosh Mitra, Deputy Chief Account- ant.
Sri T. C. Mitra, Chief Law Officer.
Sri Balaram Basu, Assistant Law Officer.

lcutta Corporation Employees' Association—

Sri Kumud Lal Bhattacharjee, Supervisor, Water Works Department.

lcutta Corporation Workers' Federation—

Sri Dwijendra Lal Sen Gupta, Pleader.
Sri A. Bhattacherjee, Bar.-at-Law, and Sri Purnendu Sekhar Basu, Advocates.

For Calcutta Corporation Teachers' Union—

Sri Umacharan Basu.

For Calcutta Corporation Collection Department Employees' Union—

Sri Rabi Banerjee.
Sri Santosh Kumar Basu, Advocate.

For Calcutta Corporation Workers' Union

Sri Amiya Sinha.

For Calcutta Corporation Clerks' Union—

Sri Suresh Chandra Mukherjee.
Sri Kali Maulik.
Sri Girija Nath Mukherjee.

For Calcutta Corporation Scavengers' and Labourers' Union, and

For Calcutta Corporation Jamadars', Peons' and Workers' Union—

Sri Rakhal Das Chatterjee, Advocate
Sri Rabindra Das Chatterjee, Pleader.

AWARD.

By Government of West Bengal order No. 374Lab., dated 11th February 1948, an industrial dispute between the Corporation of Calcutta and their workmen represented by various Unions was referred to this Joint Tribunal for adjudication In the original Government order, five unions of Corporation employees were named, viz.-

(1) The Calcutta Corporation Employees' Association.
(2) The Calcutta Corporation Workers' Union
(3) The Calcutta Corporation Teachers' Union.
(4) The Calcutta Corporation Scavengers' and Labourers' Union.
(5) The Calcutta Corporation Workers' Federation.

By Government order No. 633Lab., dated the 3rd March 1948, the Government authorised the Tribunal to permit other registered Trade Unions of the Corporation employees to appear before the Tribunal and represent the workmen. Three more Unions were permitted, on their application, to represent the workmen before this Tribunal. They are: -

(6) The Calcutta Corporation Clerks' Union.
(7) The Calcutta Corporation Collection Department Employees' Union.
(8) The Calcutta Corporation Jamadars', Peons' and Workers' Union.

These 8 registered Trade Unions filed their written statements containing their demands. The Calcutta Corporation also filed its written statement in reply. Before the written statement was filed by the Corporation, the Calcutta Corporation was superseded by an order of the Government and administration of the Corporation vested in an Administrator appointed by the Government of

West Bengal, but this change did not interfere with the proceedings before this Tribunal. The written statements on behalf of the Calcutta Corporation were filed on 3rd April 1948 and issues were framed after perusing the written statements and on hearing the parties on 24th April 1948. The hearing of the case opened on 10th May 1948 and was concluded after 12 sittings on 8th June 1948.

ISSUES.

(1) Minimum basic pay and scales of pay for the following categories of workers:—

(*a*) Unskilled labour.

(*b*) Skilled labour.

(*c*) Menial staff.

(*d*) Maid servants of primary schools.

(*e*) Subordinate staff.

(*f*) Apprentices in Entally workshops.

(*g*) Teachers and Instructors.

(*h*) Clerical and other staff drawing pay up to about Rs. 500.

(2) Fitting existing employees into the revised scales of pay.

(3) Dearness allowance for the above categories of workers.

(4) Special allowances or benefits:—

(*a*) City or compensatory allowance.

(*b*) Free quarters or house rent allowance.

(*c*) Conveyance allowance for outdoor staff.

(*d*) Duty allowance for jamadars.

(*e*) Tiffin allowance for heavy manual workers and other categories of workers.

(*f*) Overtime and night work allowance.

(*g*) Maternity benefit for female workers.

(*h*) Free uniform and uniform washing allowance.

(5) Leave—

(*a*) Casual leave.

(*b*) Medical leave for labour staff.

(*c*) Privilege leave for labour staff and manual workers.

(6) Retiring benefits—

(*a*) Gratuity, pension and insurance benefits

(*b*) Special contribution to Contributory Provident Fund in certain circumstances.

(7) Bonus—

(*a*) Independence Day bonus.

(*b*) Puja and Id bonus.

(8) Medical facilities.

(9) Supply of cheap ration.

(10) Provision of rest and recreation centres.

(11) Working hours in Corporation workshops.

(12) Conditions of service—

(*a*) Age limit in the case of first appointment.

(*b*) Retiring age for different classes of employees.

(*c*) Provision that all new appointments should be at the starting salary of each grade.

(*d*) Preparing a panel of temporary employees and absorbing them into permanent vacancies.

(*e*) Promotion and supersession.

(*f*) Time scale of temporary employees.

(*g*) Reservation of a percentage of vacancies for children and dependants of employees.

(*h*) Conditions under which a worker may be permitted, if at all, to hold double appointment under the Corporation or to hold an outside appointment in addition to appointment under the Corporation.

(13) Compensation for victims of Calcutta communal riots.

DECISION.

Issue No. I.

Before dealing with the demands of the l as regards basic pay and scales of pay fo various categories of employees, it is desirabl the circumstances leading to the present ac cation should be briefly stated:

Before the last World War, the uns labour staff including sweepers and scave used to receive Rs. 13 as pay, plus Rs. 2 as compensation. Before World War I, the basi of the labour staff was only Rs. 8 per m Due to the high prices caused by World War I the basic pay was raised to Rs. 13 and Rs. granted as grain compensation. This adjust was made about 1922 when the cost of l index was about 173 on the basis of 1914 Though prices steadily fell from 1922 to when the cost of living index was 96, the compensation was not abolished. On the bas 1914 the cost of living index in 1939 just b World War II started was 105. For pr calculations the prices in 1939 are take standard (= 100). In December 1942 when p were rising, the associations of the empl pressed their demands for a dearness allowance at the intervention of Mr. Hughes, the then La Commissioner, Government of Bengal, t decided that the Corporation employees would dearness allowance on the same scale as the ernment servants, the Government agreein bear 80 per cent. of the cost of dearness allowa The associations of employees were not sati with the dearness allowance so granted and pre for a rise in the basic wages. Notices of dem from several Unions were received by the Co ration on 11th November 1945. The Corp tion appointed a Special Committee for exa ing the demands. The Special Committee mitted an interim report which was approved the Corporation on 22nd November 1945, but resolution of the Corporation of 22nd Novem 1945 was not accepted by the employees who w on strike from 23rd November 1945. This st lasted for five days. On the 27th November l a settlement was signed by the then Mayor some labour leaders and councillors and the st was called off and the Corporation began to fu tion normally from the morning of 28th Novem 1945. The Corporation passed a resolution on 28th November 1945 accepting the terms of set ment. The terms of that settlement are contai in Appendix VI of the written statement filed the Corporation. According to that settlement, employees of the Corporation drawing pay up Rs. 100 per month were given a flat increment Rs. 3 from the 1st December 1945, it being unde stood that the grades of all the employees would revised and the flat increment absorbed in gra increments. Further, it was agreed that all u skilled labour who had put in one year's servi would be given 15 days' sick and casual leave full pay and the unskilled labour staff would al get the benefit of the Provident Fund. T Special Committee made its report as to the re sion of grades and the Corporation by a resolut adopted on the 15th March 1946, sanctioned revis scales of pay for all employees and also gave o grade increment to all employees not drawi above Rs 300 per month, who had not received t flat increment of Rs. 3. The revised scales of pa and the special increments were given effect from 1st April 1946. The revised scales of pa and the special increments involved the Corpor tion in an annual recurring extra cost of abou Rs. 17 lakhs.

Some omissions and anomalies were detected in the report of the Special Committee; and accord ingly another Special Committee, known as the Grades Reconciliation and Rules Advisory Speci Committee, was appointed by the Corporation

remove the omissions and anomalies. Before submitting its final report the Committee recommended a temporary special increase in pay on a graduated scale with effect from 1st August 1946 to all the employees drawing up to Rs. 300 per month. The recommendation of the interim increase was made because in the meantime prices were rising beyond the level reached at the time of the strike in November 1945, and it was necessary to make some extra payments to keep the employees satisfied. The Corporation by a resolution, dated 14th August 1946, accepted the Committee's recommendation for a temporary increase on a graduated scale, although it involved the Corporation in an additional recurring cost of Rs 14 lakhs per year. The special temporary increase was given at the following scale:—

Rs. 3 for pay range not exceeding Rs. 20.

Rs. 5 for pay range exceeding Rs. 20 but not exceeding Rs. 50.

Rs. 10 for pay range exceeding Rs 50 but not exceeding Rs. 100.

Rs. 15 for pay range exceeding Rs. 100 but not exceeding Rs. 200.

Rs 20 for pay range exceeding Rs. 200 but not exceeding Rs. 300.

Marginal adjustment for pay range exceeding Rs 300 but not exceeding Rs. 320.

The Calcutta Corporation Workers' Union on 18th December 1946 submitted a fresh set of demands with a notice of strike from 2nd January 1947. The Corporation referred these demands to the Special Committee with the direction to submit its report by 31st January 1947, and in the meantime induced the Workers' Union to postpone the strike till 31st January 1947. The Special Committee examined the demands carefully and revised the basic wages of the labour staff and menials. By the terms of settlement signed on 27th November 1945 to end the strike of the Corporation employees, the pay of the labour staff had been increased temporarily from Rs. 15 to Rs 18 per month. By the recommendation of the Special Committee accepted by the Corporation on the 15th March 1946, the labour staff got a graduated pay of Rs. 18—1—20. The Grades Reconciliation and Rules Advisory Committee, to which the demands of 18th December 1946 were referred, increased the basic wages of the unskilled labour staff by another Rs. 3 and fixed the scale, Rs 21–1–23 per month, for them. For the skilled labour staff, the minimum was fixed at Rs 25 and various scales were fixed for different categories of skilled workers. These recommendations of the Special Committee are contained in Appendix XI of the written statement of the Corporation. The Corporation accepted the recommendations of the Committee by a resolution, dated 30th January 1947, although the extra cost involved amounted to Rs. 5½ lakhs. It would appear that temporarily the workers were satisfied, because there was no strike on 31st January 1947. The Special Committee then began to examine the case of the other employees drawing pay up to Rs. 300 per month. But before the Committee could finish its labour, a fresh memorandum of demands was submitted on 17th November 1947.

This memorandum signed by 17 Unions and Associations of Corporation employees forms the starting point of the present dispute. On the 22nd November 1947, the Corporation employees held a meeting under the auspices of the Joint Committee of the 17 Unions and Associations and passed a resolution requesting the Government of West Bengal to ask the Corporation authorities to settle their demands within seven days under threat of direct action. The Hon'ble Minister in charge of Commerce, Labour and Industries then met both parties, and at the conference, the Corporation agreed to the suggestion that the dispute should be referred to adjudication by a Tribunal. The dispute was then referred to this Tribunal by the Government Order No. 374, dated 11th February 1948.

The memorandum of demands by 17 Unions and Associations of the Corporation Employees, dated the 17th November 1947, is contained in Appendix I of the written statement of the Corporation. So far as the basic scales of pay and dearness allowance are concerned, the demands of the Joint Committee are based more or less on the recommendations of the Central Pay Commission. In their written statements filed before this Tribunal, however, the Unions and Associations have generally gone much further than the joint demands by the 17 Unions. The Corporation has, raised the point that the joint demands by the 17 Unions and Associations being the basis of the present reference, the Tribunal should confine its attention to the claims made in the joint memorandum of demands and should not consider the enhanced claims made in the written statements filed before the Tribunal. We must accept the contention of the Corporation and we do not propose to go beyond the claims contained in the original memorandum of demands which forms the starting point of the present reference, though we shall refer also to the claims now made by the various Unions before us.

The Corporation has also raised the point of financial difficulties. In Appendix XIII of its written statement the Corporation has given an account of the annual extra recurring cost on account of the increase in pay and other amenities granted to the employees of the Corporation drawing up to Rs. 300 per month between 27th November 1945 and 30th January 1947. The annual recurring additional expenditure on account of these concessions amounts to Rs. 54,49,000. The Corporation has produced its budget for 1948-49 and the Deputy Chief Accountant of the Corporation has filed a summary of the establishment charges on the basis of the provisions made in the said Budget and has also prepared and submitted an abstract of the normal recurring receipts and normal recurring expenditure of the Corporation. The normal recurring receipts are Rs. 3,82,01,000 while the normal recurring expenditure is Rs. 4,32,59,000. Thus there is an uncovered annual deficit of Rs. 50,58,000. The establishment charges come up to Rs. 2,12,60,690, which is 55·6 per cent. of the normal recurring receipts and 46·9 per cent. of the normal recurring expenditure. Roughly therefore the establishment charges alone cover half the normal expenditure of the Corporation. Further, the Corporation in its written statement agreed to pay dearness allowance to its employees on the same scales as are paid to employees of the West Bengal Government. Prior to 1st April 1948, the dearness allowance granted to the employees of the West Bengal Government was Rs. 20 per month for menials and 17½ per cent. of the pay subject to a minimum of Rs. 22 per month for the clerical staff. The Government of West Bengal by Finance Department Circular No. 714F-/2A-2/48, dated 10th April 1948, has increased the scale of dearness allowance for Government Employees with effect from 1st April 1948. The scale of dearness allowance has been increased to the standard scale recommended by the Central Pay Commission. The minimum dearness allowance under that scheme is Rs. 25 for pay range up to Rs. 50 and Rs. 35 for pay range above Rs. 50 but not above Rs. 100. This scale of dearness allowance which is to be adopted by the Corporation will involve the Corporation in a further recurring expenditure of Rs. 26,40,000. The case of the Corporation generally is that the Corporation is unable to raise the wage structure any further for there are other

heads of essential expenditure that the Corporation must undertake, viz., construction and maintenance of roads, waterworks, the sewerage system, Corporation Schools, dispensaries and hospitals and so on; and that if the Corporation has no money left for these heads of expenditure, after paying the employees, the Corporation might as well not exist. It has been mentioned before us that the Corporation has many outstanding bills for big amounts for essential supplies like coal, stone chips, etc., and that owing to lack of fund, the Corporation is unable to pay the bills with the result that the continuance of supply of these essential materials has been jeopardised. It is, therefore, necessary that the Corporation must reserve a large portion of its revenues for incurring these heads of necessary expenditure.

As regards labour staff and menial staff, in particular, the case of the Corporation is that the pay scales of these categories of employees have been twice revised—once with effect from 1st April 1946 and again on 30th January 1947—and that at the time of the second revision of the scales of pay, the basic wages of the labour staff and the menials were fixed according to the cost of living index prevailing at the time. It was then resolved to meet future variations in the cost of living index by increasing or decreasing the rate of dearness allowance which would be paid at the Government scale, and no consideration was paid to the financial capacity of the Corporation to bear the extra cost. (Paragraph 7 of the Corporation written statement.) Accordingly the Corporation has strongly opposed further revision of the basic wages of the labour staff and menials by this Tribunal.

As regards other categories of employees the Corporation has submitted that the second revision was being done when the memorandum of demands of the 17 Unions was received and so the revision could not be completed and given effect to and that as such there is some scope for revising the scales of pay for these categories of employees, but it has been urged that three points should be kept in view in fixing the revised scales of pay for these employees, viz.,—

(1) Qualifications for the post as prescribed by the Corporation Resolution of 9th January 1948.

(2) Nature of duty and degree of responsibility of the post.

(3) Financial position of the Corporation.

The Unions have urged that the financial position of the Corporation should not be taken into consideration and that fair scales of pay should be fixed on the basis that no category of employee should have less than a living wage, by which is meant a scale of pay sufficient to maintain the particular category of employee at the standard of living to which it is accustomed.

We are of opinion that the financial condition of the Corporation must be taken into consideration. At the same time the principle enunciated by the Central Pay Commission, viz., that no one should be paid less than a living wage must be kept in view. Our award, we are afraid, will increase the uncovered annual deficit in the budget of the Corporation. We cannot help this. The only remedy is that the Corporation must find some means of increasing its annual revenues. The consolidated rates of Corporation tax have duly been brought up to 21½ per cent. of the annual value of the holdings, and though the maximum statutory limit is 23 per cent. we do not think that a further increase in the rates of the tax could be justified. Proper assessment and realisation of the tax may be expected to raise the revenue. It is hoped that the labours of the Corporation Investigation Commission will improve the position in this respect. But additional sources of revenue have to be found, and we would recommend strong that the Government of West Bengal shou favourably consider the suggestions made by t Corporation in Appendix XVI of its written sta ment for increasing its revenues, namely, that t Corporation should be allocated a share of Amusement Tax, (*ii*) Electricity Duty Tax, (*i* Sales Tax, (*iv*) Betting and Totalisator Tax, a (*v*) a higher share of the Motor Vehicles T realised within the Calcutta Municipal area, a that it should be permitted to levy some addition taxes, namely, (*i*) Town Duty, (*ii*) Petroleum T (*iii*) Passenger Tax, (*v*) Tax on Fire Insuran Companies. We may point out that if the C poration should be unable to run its administrati on its revenues, the Government will be ultimate forced to take over the administration of Calcut as a district, and that in that case, the Governme would have to meet the higher expenditure caus by bringing up the wages and salaries up to t level recommended by the Central Pay Commissio or at least up to the level at which wages of t Government servants of the similar working cat gories have been fixed.

We now proceed to deal with the minimum bas pay and scales of pay for the different categories

(*a*) *Unskilled Labour.*—There are roughl about 15,000 unskilled labour staff under the Ca cutta Corporation. There are at present tw scales of pay for unskilled labour, viz Rs. 21—1—23, and Rs. 23—1—25. The standar grade is Rs. 21—1—23 and the large majority o the labour staff are in that grade. Workers suc as Pointsman, Flagman, Stone-weigher, Asphal weigher have been put in the upper category o unskilled labour staff in the grade Rs. 23—1—2 A list of posts put in this grade is given i Part III of Schedule I of Appendix XI. Severa categories of workers, many of whom may b described as unskilled, have been promoted to th grade known as Clerical and Subordinate in th scale Rs. 25—1—30 or Rs. 25—1—35. Lists o posts now termed as clerical and subordinate ar given in Appendix XI, Schedule I, Part I, an Schedule I, Part II. There is also a class of boy coolies, *e.g.*, gully-pit boy, bhisti, boy cooly, pit boy, who are put in the scale Rs. 16—1—18. These posts are described in Schedule I, Part III, items 1-5 and Schedule I, Part IV, items 1 and 2 of Appendix XI.

The Labour Unions have demanded that the boy coolies like the gully-pit boys should be put in the scale Rs. 30—1—40 for they perform an essential but dangerous duty and it is necessary that they should be properly paid. For the main grade of unskilled labour, most of the Unions have demanded the minimum pay of Rs. 40 in the scale Rs. 40—1—50. For the upper grade of unskilled labour, the Unions have generally demanded the basic pay of Rs. 45, in the scale of Rs. 45—1—55. Some of the Unions have made slightly different demands, for instance, the Scavengers and Labour Union has demanded that the minimum pay including dearness allowance should be Rs. 75, in the scale Rs. 75—2—100. The other Unions demand dearness allowance in addition to the basic pay. Usually they have claimed a minimum dearness allowance of Rs. 45 per month. Thus in respect of the demands presented before the Tribunal, the Scavengers and Labour Union has been slightly more moderate than the other Unions.

In the joint memorandum of demands by the 17 Unions, the minimum basic pay demanded for the unskilled labour staff was Rs. 30 in the scale Rs. 30—1—35. We have already said that we are not prepared to go beyond the claims contained in the memorandum of demands presented by the 17 Unions, for that memorandum forms the starting point of the present dispute. Thus we cannot go beyond Rs. 30 per month in fixing the basic wage.

The Corporation has urged that the Grades Reconciliation and Rules Advisory Committee

ed the present minimum pay, viz., Rs. 21 in the ade Rs. 21—1—23, after fully considering the st of living index and that there is no reason to vise the minimum basic wage and scales of pay r the unskilled labour thus fixed. It is pointed that in addition to the cash basic pay and dear- s allowance, the labour staff receive other nenities, for instance, food-grains at a concession te. The Corporation has filed a statement show- that the money value of the concession enjoyed the labour staff drawing pay up to Rs. 35 per nth in the shape of rations drawn at subsidised es from the Corporation Food Stores, is 3-8-6 per month. Further all members of the our staff not provided with accommodation by Corporation have been allowed a house rent owance at the rate of Re. 1-8 per month. In ne cases the Corporation has provided free arters to members of the labour staff, *e.g.*, in akhanas, mehtar barracks, etc. Some of the our staff have been given accommodation in ntioned houses for which the rent paid by the poration per head of labour staff housed in them Rs. 2-8 per month, but the Corporation charges Re. 1 per head and thus pays in effect a house allowance of Re. 1-8 per month. Thus the ney value of the cheap food concession and house ommodation or house rent allowance come to per month for every member of the labour Adding this to the minimum wage of Rs. 21, the dearness allowance Rs. 20, the total oluments come to Rs. 46 per month, which is e than three times the total emolument of 15 per month fixed in 1922, when the cost of ng index was 173 on the base of 1914=100, or at 105 on the base of 1939=100. It is there- urged that even if the cost of living index is about 340, the rise of the total emoluments Rs 15 to Rs. 46 is a rise more than in pro- tion to the rise in the cost of living index and e there is no reason to fix the minimum oluments at a higher figure. It is also urged till 1942, Rs. 15 per month was regarded by body including the labour staff as a fair meration, *i.e.*, a living wage, and that there- Rs 46 per month at the present time must also a living wage. We must point out, however, people in India as elsewhere have been enced by the trend towards socialism; that er wages received by workers during the war accentuated the trend and created a changed ook; and that working classes which were ent with a low standard of living in the past an intolerance of the old standards and desire mprove their standard of living. The change he political structure of the country has further ngthened the demand for better living condi- and higher wages. We accept the recom- dation of the Central Pay Commission that 30 per month should be the minimum basic e paid to the unskilled labour and we think any rate of payment to the adult worker below minimum basic wage would not be a living e in the changed conditions of today. The sed scale of pay adopted by the Corporation for labour staff, viz., Rs. 21—1—23 plus Rs. 5 as value of the food concession and the house mmodation or house rent allowance falls short he minimum basic wage of Rs. 30 per month we, therefore, consider it necessary to increase minimum basic wage of the labour staff. In of the money value of the food concession and house rent allowance, we fix Rs. 25 per month the minimum basic wage of the unskilled our. The Central Pay Commission recommend- he scale of Rs. 30—½—35 for the unskilled ker. The Corporation has, however, introduc- he system of granting annual increments of ; and in the case of the menial staff also, the es fixed by the Corporation are Rs. 25—1—30 Rs. 30—1—35 and not Rs. 25—½—30 or 30—½—35. Accordingly we maintain the ual increment of Re. 1 and fix the grade of 25—1—30 as the standard grade of the killed labour staff.

The upper grade of the unskilled labour staff has been Rs. 2 higher than the standard grade of unskilled labour staff. Accordingly for higher grade of unskilled labour, we fix the scale Rs. 27—1—32.

For the gully-pit boys and other boys, we are of opinion that the wages paid together with the dearness allowaene are quite sufficient. We understand that gully-pit boys start work from the age of 12 and when they reach the age of 18, they are absorbed as Trench Coolies or Silt Clearance Coolies. Boys of 12—18 have no families to maintain and for them the three unit family standard does not apply. At the new scale of dearness allowance adopted by the West Bengal Government and which we propose to adopt, the gully-pit boys will also get a monthly dearness allowance of Rs. 25, in addition they get the food concession and house rent allowance; thus their total remuneration comes to Rs. 48 per month. This is more than sufficient, even taking into consideration the fact that boys are engaged in essential but dangerous duty. Thus the scale of pay for the boy workers is kept at Rs. 16—1—18.

(b) Skilled Labour.

The Corporation has no class known as semi-skilled. The workers otherwise known as semi-skilled are included in the skilled category. The minimum basic pay fixed for this class by the Corporation after the second revision is Rs. 25 per month. The different scales of pay adopted as the result of the second revision made on 30th January 1947, are shown in Appendix XI, Schedule II of the Corporation's written statement. It appears that there are altogether 24 scales of pay for the skilled labour staff. These 24 scales are as follows:—

(1) Rs. 25—1—30—Oiler and Cleaner, Greaser, Excavator, Tapman, Hammerman, Boilerman, Coupler, Nursery Mali, Boiler Cooly, Coal Trimmer, etc.

(2) Rs. 25—1—30—1—35—Mukri, Gharami, Turncock, etc.

(3) Rs. 25—1—35—1—40—Head Nursery Mali, etc.

(4) Rs. 25—1—30—2—40—Silt Jointer, etc.

(5) Rs. 25—2—35—2—50—Wheel Maker, etc.

(6) Rs. 30—1—35—1—40—Brick Layer, (Junior), Blacksmith (Junior), Rivetter, etc.

(7) Rs. 30—1—40—2—50—Fireman, Assistant Electric Mistri, Painter, etc.

(8) Rs. 30—2—40—2—50—Engine-room Attendant, Tindel and Bribeman, Fireman, Junior Mistri, Blacksmiths, etc.

(9) Rs. 35—1—40—1—45—Chlorine Khalasi, Sounding Khalasi Serang

(10) Rs. 35—1—40—2—50—Silt Fitter, Low Tension Pump Attendant, Silt Drivers, Gauge Readers, etc.

(11) Rs. 35—2—45—3—60—Fitter, Leading Fireman, High Tension Pump Attendant, Driving Khalasi, Viceman, Turner, etc.

(12) Rs. 40—2—50—2—60—Bricklayer, Junior Electric Mistry, Night Mistri, Lime Mistry, Blacksmith, etc.

(13) Rs. 45—2—55—3—70—Tindel, etc.

(14) Rs. 45—3—60—4—80—Electric Moulder, etc.

(15) Rs. 50—2—60—3—75—Assistant Mechanic, etc.

(16) Rs. 50—2—60—4—80—Electric Mistry, Chlorine Mistry, Plumbing Mistri, etc.

(17) Rs. 50—3—65—3—80—Pattern Maker, etc.

(18) Rs. 60—3—75—3—90—Mechanic.

(19) Rs. 60—4—80—5—100—Steam-roller Driver.

(20) Rs. 65—3—80—4—100—Tubewell Inspecting Mistry, Mill Wright Mistry.

(21) Rs. 65—3—80—4—100—5—110—Craftsman.

(22) Rs. 80—4—100—China Carpenter.

(23) Rs. 80—4—100—5—110—High Tension Mistry, Turbine Mechanic.

(24) Rs. 100—5—125—Head Mistry.

For the skilled categories including the semi-skilled workers, we fix a minimum pay of Rs. 35 per month. We direct that cheap food concession should not be given to the skilled workers as their minimum starting pay is being fixed at Rs. 35.

The Unions have suggested that there should be six scales of pay for the skilled labour staff instead of 24 scales of pay as at present. They have, during the hearing of the case by the Tribunal, suggested the following scales of pay:—

(1) Rs. 50—2—70.

(2) Rs. 55—3—85.

(3) Rs. 60—4—100.

(4) Rs. 65—3—80—4—100—115.

(5) Rs. 70—3—85—5—105—10—125.

(6) Rs. 90—10—230.

The Unions have also suggested the classification of the skilled workmen into the six grades. This classification has been criticised by the Chief Engineer of the Corporation as arbitrary. The Chief Engineer has stated that the present grades were fixed by him after consulting some of the Union Leaders and after considering carefully the nature of the duties of each category and he has urged that the existing grades made by the Corporation should not be disturbed.

In the memorandum of joint demands, the Unions suggested lower scales of pay for the semi-skilled and skilled workers. Five scales were suggested therein, viz.—

(1) Rs. 35—1—55.

(2) Rs. 40—3—70.

(3) Rs. 50—3—65—4—85—5—105.

(4) Rs. 55—3—70—5—95—10—165.

(5) Rs. 80—5—135—8—175.

We consider that these scales also are somewhat too high in view of the nature of duties of the various classes of skilled workmen. The existing 24 scales appear to be fair on the whole and we propose to retain them with some changes, viz., increasing the minimum basic pay to Rs. 35 per month and giving increments of pay to some of the grades in order to achieve a consistent set of scales. For the higher scales from Rs. 60 we consider that no increase in the basic pay is necessary, specially as, by adoption of the revised scales of dearness allowance, the workmen drawing higher salaries will have substantial rise in the total remuneration.

We, therefore, direct that the 24 existing sc of pay for the skilled labour be modified as lows:—

(*a*) A flat rise of Rs. 10 per month be gi both to the starting salary and the ma mum salary of the first four scales.

(*b*) The fifth and sixth scales be amalgamate form a new scale—Rs. 35—1—40—2—

(*c*) A flat rise of Rs. 5 be given both to starting salary and the maximum sal of the scales of pay Nos. (7)—(17)

(*d*) Scales (18) to (24) be left unaltered.

The Unions have claimed that the Mali, at p sent treated as unskilled, should be transferred the category of skilled worker. This is oppo by the Corporation. We see no reason to cl an ordinary Mali as a skilled worker. The He Mali is already included in the category of "Cle cal and Subordinate" and the Head Nursery M as a skilled workman. The Malis under the He Mali are treated as unskilled. We think that th classification is proper.

The Union has also prayed for inclusion of As Cooly as skilled. The Corporation has accepte this suggestion on the ground that Ash Cooli clean boilers and some degrees of skill is require in their work. The Corporation wants to put the with Coal Trimmer in the scale of Rs. 25—1—3 which is now converted into Rs. 35—1—40. W accept this suggestion and direct that the As Coolies be treated as skilled workers in revise scale of Rs. 35—1—40.

(*c*) *Menial Staff.*

The scales of pay for the menial staff after th second revision made by the Corporation, are show in Schedule VII, Appendix XI, of the Corpora tion's written statement. Peons, Orderlies, etc have been put in the scale Rs. 25—1—30. Jama dars have three scales, viz., Rs. 25—1—30 Rs. 30—1—35, Rs. 35—1—40. There are also duty allowances of Rs. 5 or Rs. 10 paid to some of the menials like Jamadars of the Chief Executive Officer and the Mayor and of Heads of Departments, Durwans, etc., and Motor Ambulance Attendant dealing with infectious diseases. I view of our opinion that Rs. 30 represents th minimum basic wage, we would alter the grade o Rs. 25—1—30 to Rs. 30—1—35, but provide that the food concession now enjoyed by the menials should be withdrawn. The menials may still draw food rations from the Corporation shops but they must pay the controlled price. Menials now on the grades Rs. 30—1—35 and Rs. 35—1—40 will be put on the grades Rs. 35—1—40 and Rs. 40—1—45. The case of maid servants is covered by the next issue.

(*d*) *Maid Servants.*

The existing grades for maid servants i Rs. 13—1—18. The maid servants are chiefly attached to primary schools for girls and they are whole-time servants. This fact is also recognised by the Corporation. Their present scale of pay is too low. The Unions have suggested Rs. 30—1—40 for them. In view of the dearness allowance of Rs. 25 per month which would also be allowed to them we consider the scale suggested by the Unions to be too high on the ground that women employees do not generally have to maintain a family equivalent to three adult units. For the maid servants, therefore, we fix the grade of Rs. 20—1—25.

(e) Subordinate Staff.

In this class we are concerned with the subdinate group of the staff known in the Corporan as "Clerical and Subordinate". Members of e unskilled supervisory labour staff are desigted as clerical and subordinate; and when settling e strike of November 1945 some additional asses, *e.g.*, Nikashi Sircar, Gangers, Mates, etc., ere placed in the category of clerical and subdinate staff. Lists of posts in this category are ntained in Appendix XI, Schedule I, Part I, heets Nos. 1 and 2, Schedule I, Part II and hedule VII, page 2 (from Block Sircar to Lorry rip Recorder). The revised grades fixed by the rporation for this category are Rs. 25—1—30, s. 25—1—35 and Rs. 25—1—40. In our opinion e minimum pay of the members of this category ould be Rs. 35, and the food concession should ot be given to them (though as in the case of enials, they may obtain food from the Corporaon food shops by paying the controlled price for he same). We fix the new grades by adding s. 10 both to the starting pay and to the maximum ay, retaining the existing rate of increment, xcept in the case of the Laboratory bearer, who eally belongs to the category of menials, and hose new grade will be formed by adding Rs. 5 o both the starting pay and the maximum pay. n the case of Block Sircars, the Unions have asked or a special scale of pay on the ground that Block Sircars have numerous and important duties to erform. The grade suggested is Rs. 60—4—80—s. 130 The Calcutta Corporation Employees' Association has further suggested that the minimum qualification for appointment as a Block Sircar nd a Road Sircar should be the passing of the Matriculation Examination. This suggestion has, ever, been strenuously opposed by the Scavens and Labour Union, because some Block Sircars promoted from the category of Scavengers and bour Staff, and if the minimum qualification uired were the passing of the Matriculation amination, the promotion to the post of the ck Sircar would no longer be open to the Conancy and the Labour Staff. We consider it sirable that the opportunity of promotion should left open. Accordingly we see no reason to fix special high scale of pay for the post of Block rcar In this case also the rule of fixing the w scale by adding Rs. 10 to the starting and ximum pay of the grade should be observed. r the Road Sircar also whose grade is now lower e same scale of pay is fixed.

The salaries of the remaining posts in this cate-ry (*vide* Appendix F and Appendix G) are re-ewed as shown below:—

	Existing pay.	Revised pay
	Rs.	Rs.
Ac checkers ..	30—1—40—2—50	35—1—45—2—55.
down keeper		
down sircar		
Rotate gate checkers.		
Office server		
Press server ..		
Sudars	30—1—40 ..	35—1—45—2—55.
Bars (Electric De partment)	30—1—40—2—50	40—2—50—3—65.
Bars (Asphaltum Department)	35—2—45—2—60	
Ely clerks	25—1—36 ..	35—1—45—2—55.
ters		
Spatchers ..	30—1—40—2—50 .	40—2—50—3—65.
ne-keepers		
Starics .	25—1—35—2—45 ..	35—1—45—2—55.
Coal-suppliers .	25—1—35	35—1—45.
Divers (M. V. Department).	35—2—45—3—60 ..	40—2—50—3—65.
	50—60—4—80—5—100	55—60—4—80—5—110.

(f) Apprentices in Entally Workshop.

The present system is that 10 apprentices are taken every year in the Entally Workshop. The course of apprenticeship is five years. The students selected obtain theoretical training from Jadavpur Engineering College and practical training in the Entally Workshop of the Corporation. An allowance of Rs. 10 in the first year is paid to each apprentice. It rises by Rs. 5 every year and is therefore Rs. 30 in the 5th year. In the 6th year the apprentices are given a further opportunity of obtaining practical training by being put in charge of various jobs. In that year an allowance of Rs. 40 is given.

The Unions claim that an allowance of Rs. 40 should be given in the first year and that this should be raised by Rs. 10 every year and that further a dearness allowance at the usual rate should be given to the apprentices. This claim is opposed by the Corporation on whose behalf it has been urged that the allowance is in the nature of a scholarship given to encourage meritorious students in getting training in engineering and mechanical processes and that the apprentice is not a regular worker who is to be given a wage and dearness allowance. So far as the claim for dearness allowance is concerned, we must agree that the claim cannot be allowed. Apprentices everywhere are paid at a consolidated rate which is supposed to be in the nature of a scholarship to encourage the apprentice to persist in the course of training without costing his guardian too much. We consider, however, that in the present circumstances, the scale of allowances allowed by the Corporation is rather low. We, therefore, fix the scale of allowance of apprentices at Rs. 20 in the first year. This will be increased by Rs. 5 every year until it is Rs. 40 in the 5th year and in the 6th year, the allowance will be Rs. 50 per month.

(g) Teachers and Instructors.

The Corporation has three classes of Primary Schools, viz., Model schools, Class I type schools and Bustee type schools. In the Model schools, the Head Master is on the scale of Rs. 75—80—5—110 (E. B.)—5—140. The Assistant Head Master is on the scale Rs. 60—65—4—85—5—115, and the ordinary teacher is on the scale Rs. 50—55—60—4—80 (E. B.)—5—100. In Class I type and Bustee type schools, the Head Master is on the scale Rs. 50—55—60—4—80—5—115 and the ordinary teacher is on the scale Rs. 40—45—3—60—4—80—5—90. There are also an Artisan Instructor and a Sewing Instructress, both on the scale of Rs. 35—2—45 and a Gomosta teacher on the scale of Rs. 60—3—75.

The Teachers' Union has suggested that the pay of the Model school staff and the staff of Class I and Bustee schools should be uniform. The Union has further suggested one running grade for teachers, Assistant Head Masters and Head Masters, viz., Rs. 80—5—100—10—220 (S. B.)—10—230 (S. B.)—10—250. The Union suggests that ordinary teachers will draw pay up to Rs. 220 and when a teacher is selected as an Assistant Head Master he will draw the increment to Rs. 230 and that when a teacher is selected for the post of Head Master, he will draw the increment up to Rs. 250.

For the Corporation it is agreed that the teachers of the different types of schools should be put on the same scale, but the Corporation is opposed to a running grade for all teachers including Head Masters and Assistant Head Masters.

We fix the starting pay of the Head Master of Model schools at Rs. 80. This should be the starting salary of Head Masters of all types of schools, and as to the upper limit, we raise it by Rs. 10. For ordinary teachers we consider that the starting salary should be Rs. 60 and the maximum salary Rs. 120. Assistant Head Masters

should have a grade Rs. 10 above the grade of the ordinary teachers at all stages. Accordingly we fix the following scales for the teachers of all types of Corporation schools:—

Head Master—Rs. 80—85—5—110 (E. B.)—5—150.

Assistant Head Master—Rs. 70—74—4—90 (E. B.)—5—130.

Teacher—Rs. 60—64—4—80 (E. B.)—5—120.

Head Mistresses and woman teachers will be on the same grades.

The Unions have suggested that the Artisan Instructor and the Sewing Instructress should be on the same scale as an ordinary teacher. This suggestion cannot be accepted, for the minimum qualification for them is not the same as that for the ordinary teacher. The Artisan Instructor and the Sewing Instructress really belong to the category of skilled workmen and their pay ought to be assessed on that basis. We fix their scale as Rs. 50—2—60—4—80. For the teacher of the Gomosta Class we fix the scale Rs. 60—3—90.

The revised scale for the Drawing and Modelling Instructor and the Physical Instructor and Scout Master will be the same as that for the Assistant Head Master; and that for the Arts and Crafts Instructor the same as that for the Artisan Instructor. We propose no change in the scale of pay of the Principal of the Training School. The revised scales of the Vice-Principal, the Lecturers and the Officers of the Education Department are given below:—

	Existing pay.	Revised pay.
	Rs.	Rs.
Vice-Principal	165—10—265	200—10—300
Lecturers ..	110—5—135—6—165	125—5—140—6—200
Inspector ..	110—5—135—6—165	125—5—140—6—200
Inspectress ..		
Attendance Officer ..		

(b) Clerical and other staff.

(i) Clerical.

The statement showing the distribution of clerical appointments at page 290 of the current year's budget shows that the Corporation employs 1,168 clerks plus 80 leave reserves, or 1,248 clerks in all. Before the strike of 1945 there were different scales of pay for clerks, viz., Rs. 40—2—50, Rs. 40—2—70, Rs. 40—3—75, Rs. 40—4—100, Rs. 70—5—100, Rs. 100—5—125, Rs. 125—5—150, and some other scales, the highest scale being Rs. 200—10—250. As a result of the recommendation of the Special Committee, the clerical posts were divided into three scales, viz., Rs. 50—60—4—80—5—135—6—165, Rs. 165—10—215, Rs. 215—10—265. There is also a superior grade for Personal Assistants, Rs. 250—10—350.

There are only six posts in the highest category and 57 in the next highest category, viz., Rs. 165—10—215. All the remaining clerks are in the first category from Rs. 50—165. This category includes not only the ordinary clerks, but also some superior posts involving supervisory duties like the Divisional Head Clerk of the Collection Department. The second revision of the scales of clerical posts could not be completed by the Corporation, as before the Corporation could consider the report of the Grades Reconciliation and Rules Advisory Special Committee, the Corporation was superseded.

In the memorandum of the joint demands by the 17 Unions, one running grade for clerks was demanded, viz., Rs. 80—5—100—10—250. Before the Tribunal also the Clerks' Union and the other Unions have pressed the claim for the same running grade from Rs. 80—250. It has been suggested by the Unions that superior supervisory posts like the posts of Head Clerk should carry a duty allowance of Rs. 40 per month in ad to the grade pay and that junior supervisory like Divisional Head Clerks should carry a allowance of Rs. 25 per month. In suppo one running grade for clerks, the Clerks' has referred to a resolution of the Service mittee, passed in 1939, for one running from Rs. 40—200.

The Employees' Association originally sug ed a separate grade for Head Clerks and Per Assistants, viz., Rs. 160—10—300—15—3 —350. During the hearing of the case, Employees' Association adopted the case of Clerks' Union that there should be one run grade and proposed to fit in Head Clerks Personal Assistants by having a selection b Rs. 250 and adding the scale Rs. 250—10 for Head Clerks and Personal Assistants the case of the Unions as presented in the he is that there should be one running grade fo Clerks including Head Clerks and Personal A tants.

The Corporation has opposed the idea that should be one running scale for all clerks Corporation has urged that one running grad all classes of clerks creates administrative culties. The Corporation's case is that the dis tion between lower and superior grades shoul kept. The Corporation has further sugge that the posts in the existing grade from Rs. 165 should be split up so as to have a scale lower grade clerks and a scale for upper g clerks below the existing upper grade scal Rs. 165—10—215. In support of this argum it has been pointed out that Divisional H Clerks and Clerks holding posts of similar du have at present a grievance inasmuch as draw the same scale of pay as the ordinary cl in spite of their duties being more responsible of a supervisory nature; and that this grieva has led the Divisional Head Clerks and o clerks having similar duties to demand d allowances. We are of the opinion that the allowance would be justified only when someb is asked to perform an additional work which d not come within his normal duties; that normal duties there should be no duty allowan but that, if necessary, there should be a hig scale. The representatives of the Corporat have left it to the Tribunal to decide how exac the existing scale of Rs. 50—165 should be s up and whether there should be any rise in pay of clerical grades. We have, however, be asked to bear in mind the financial position of Corporation.

We do not approve of the claim of the Cler Union and of other Unions that there should one running scale for clerks of all classes. On t other hand we think that the existing scale lower grade clerks ought to be split up to for two scales, viz., one scale for lower grade cler and another scale for subordinate upper gra clerks in view of the claim of the Divisiona Head Clerks and Clerks doing similar duties for duty allowance.

The Central Pay Commission recommends th scale, Rs. 55—3—85(E.B.)—4—125—5—130 the standard grade for lower grade clerks. M S. N. Modak in his award in the Howrah Muni cipality Case, accepted this scale for the lowe grade clerks. We propose the grade of Rs. 60 —80—5—150 for the lower grade clerks. For th subordinate upper grade, we propose the grade Rs. 150—10—200. We find from the resolution of the Grades Reconciliation and Rules Advisory Special Committee, dated 23rd March 1948, tha this Special Committee also suggested the grad of Rs. 150—10—200 for the Divisional Hea Clerks and other clerks having similar duties responsibilities. The posts in the present Rs. 50—165 should be distributed so as to

not less than 10 per cent. of the posts in the subordinate higher grade and the remaining posts in the lower grade. The posts in the subordinate upper grade will include the 28 posts of Divisional Head Clerks and 1 post of the seniormost Assistant Keeper of Records, as recommended in the Grades Reconciliation Committee's resolutions, dated 23rd March 1948. Other posts should be included in this grade so as to bring up the number to not less than 10 per cent. of the lower grade clerks. As regards clerks in the existing lower grade, who fail to obtain promotion to the subordinate higher grade of Rs. 150—200, we propose that they should draw pay in the existing scale up to Rs. 165 as personal pay. Typists and Comptometer operators will be in the same scale of pay as the lower grade clerks, viz., Rs. 60—4—80—5—150, and they will be eligible for promotion just like the lower grade clerks. The existing special grade of Rs. 60—4—80 for Telephone Clerks will be abolished; it will be merged with the grade of lower grade clerks; it is suggested that junior lower grade clerks should be put on duty as Telephone Clerks.

The scales for the Higher Upper Division Clerks, viz., Rs. 165—10—215 and Rs. 215—10—250 are raised to Rs. 200—10—250 and Rs. 250—10—300. No change is proposed in the existing scale of pay of Personal Assistants—Rs. 250—10—350.

It is also desirable to fix a special grade for Stenographers who are at present distributed between the scales Rs. 50—165 and Rs. 165—215. For Stenographers we propose the scale of Rs. 100—5—150—10—200. Stenographers will be eligible for promotion to the higher upper division and to the special grade posts.

Finally we direct that all posts in the grades of Rs. 150—10—200 and Rs. 200—10—250 should be filled by promotion from the clerks. Of course not seniority alone, as claimed by the Unions but seniority plus efficiency should be the criterion of such promotion. The posts of personal assistants should also as far as possible be filled by promotion.

Other staff drawing pay up to Rs. 500.

We shall now take up other categories of staff as enumerated in Appendix G to Appendix VII of the written statement filed by the Corporation. The maximum salary of these categories of staff is Rs. 300. The demands of the Association related to the categories of staff drawing salaries below Rs. 300. In the issue, however, we have fixed the maximum at Rs. 500, because the demands of the Unions in respect of some of these categories of staff exceed the maximum of Rs. 300 and reach near about Rs. 500. We do not therefore propose to consider the case of any of the staff not included in Appendix G. We leave it to the Corporation or the Administrative Officer to revise the scales of pay of the superior staff, if such revision is considered necessary in view of the revision of the scales of pay of the lower paid staff as made by us.

The Inspectors of the Collection and Licence Departments and the Sub-assessors of the Assessment Department are at present on a grade of Rs. 110—5—150 (E.B.)—10—300. The Associations have demanded a grade of Rs. 200—10—300—15—450 for these officers, but in the demands of the 17 Unions, dated 1st December 1947, the grade demanded was Rs. 150—10—200—15—260—20—300, which has the same maximum as the present grade. We are unable to accept the starting salary of Rs. 150 for these posts and we think that a starting salary of Rs. 125 would be sufficient. We fix the grade at Rs. 125—5—150 (E.B.)—10—300. For the Assessing Inspectors we fix a grade of Rs. 80—4—120 (E.B.)—8—200 in place of the existing grade of Rs. 60—3—75—4—115 (E.B.)—7—185. It was argued that the Assessing Inspectors had various responsible duties to perform and that their grade should be commensurate with the importance and responsibility attached to the post. It should, however, be remembered that the minimum qualification of Assessing Inspectors is the passing of I.A., I.Sc., I.Com. or Final Survey Examination. It appears that there are several graduates amongst Assessing Inspectors, but we have to fix the grade with reference to the minimum qualifications required and we think that the grade fixed is adequate. Ultimately many of these Assessing Inspectors will be promoted to the post of Sub-Assessors, since it is provided in the rules that at least 50 per cent. of the vacancies in the post of Sub-Assessors shall be filled up by promotion from the rank of Assessing Inspectors. We may mention in this connection that in the joint demands of 1st December 1947, the Unions demanded a grade of Rs. 80—5—100—10—200 for such junior posts requiring under-graduate qualifications. We have accepted both the minimum and the maximum of this grade for the Assessing Inspector. The Valuation Checkers of the Assessment Department are at present on a grade of Rs. 60—4—80, the minimum qualification required for the post being passing of the Matriculation Examination. We fix a grade of Rs. 60—4—100 for these posts. We find from the rules that the Valuation Checkers, who are Matriculates, will be entitled to promotion to the grade of Assessing Inspectors after 10 years' service. The grade now demanded for Valuation Checkers Rs. 80—220 is very high and out of all proportion to the qualifications required and the duties performed. The Stock Verifiers and Audit Inspectors of the Accounts Department are on a grade of Rs. 125—5—135—6—165—10—215. We fix a grade of Rs. 125—5—150—10—250 for these officers, which we consider to be sufficient. For the Bailiffs of the Licence and Collection Departments, we fix a grade of Rs. 55—60—2—80 (E.B.)—4—100 in place of the existing grade of Rs. 50—2—70 (E.B.) 4—90. For the Bailiffs also the minimum qualification required is the passing of the Matriculation Examination. We recognise that the Bailiffs do important duties in the matter of collection of revenue for the Corporation, but we cannot accept the grade demanded for them, viz., Rs. 75—200. We think that the grade we have adopted is adequate in view of the qualification required and the duties performed. We propose no change for the Cart Registration Officer of the Licence Department whose present grade is Rs. 250—10—300.

In the Law Department, the Law Assistants and the Conveyancing Assistants are on a grade of Rs. 110—5—135 (E.B.)—10—235. We fix their grade at Rs. 125—10—275. For the Peripatetic Pleader there is no grade, but only a fixed pay of Rs. 200. There ought to be a grade for this post, as there is a grade for the post of the Municipal Pleader attached to the Municipal Magistrates' Courts. We accordingly fix a grade of Rs. 200—10—300 for the Peripatetic Pleader. We understand that the present grade of the Assistant Law Officers is Rs. 250—20—450. Since the maximum pay of the Law Assistants has been increased to Rs. 275, it is fitting that the grade of the Assistant Law Officers should also be revised. We, however, leave it to the Corporation authorities to decide the matter.

The Supervisors or Assistant Engineers, Testing Officer, Inspector and Clerk of Works of the Engineering Department are at present on a grade of Rs. 160—10—220 (E.B.)—10—300. The Associations have demanded a grade of Rs. 200—10—300—15—450 for these posts. In the joint demand of 1st December 1947, however, the maximum demanded was Rs. 350. Though the minimum demanded then was Rs. 160 as at

present, we are increasing the minimum to Rs. 200, because it has been represented to us by the Chief Engineer of the Corporation that these posts are to be filled up, according to the Rules by Engineering Graduates or Associate Members of the Institute of Engineers and that such qualified men are not at present available on a starting salary of Rs. 160. We fix their grade at 200—10—300—(E.B)—10—350. The Head Pipe Layer of the Water Works Department, the District Building Surveyor, Encroachment Officer, Constructional Assistant and the Insecure Building Surveyor and the Supervisor of the Lighting Department will also be on this grade.

The Overseers, Plumbers, Levellers, Surveyor (Cossipore), Conservancy Inspector (Cossipore), Assistant Clerk of Works, and the District Building Inspector are at present on a grade of Rs. 110—5—135—(E.B.)—6—165. We fix a grade of Rs. 125—5—140—(E.B.)—6—200 for them. The same grade is also fixed for the Chargemen of Goragatcha Incinerator and the Engineering Overseer, Dhappa. There are certain other posts on different grades, e.g., the posts of Conservancy Inspectors and Inspectors, now called Overseers, and Estimator and Surveyor, and Estimator of the Engineering Department and Surveyor and Valuer of the Surveyors' Department to which also this grade of Rs. 125—5—140—(E.B.)—6—200 will apply. For the Sub-Overseers, Nikasi Sub-Overseers, Bustee Cleansing Sub-Overseers, Leveller of the Surveyors' Department, now called Assistant Surveyor and Valuer, we fix a grade of Rs. 75—4—95—(E.B.)—5—125 in place of the existing grade of Rs. 60—4—80—(E.B.)—5—110.

For the Inspectors of Water Works, who were originally Sub-Inspectors, the existing grade is the same as the grade of the Sub-Overseer. There are at present several incumbents of this post who are on the grade of Rs. 50—5—150, as personal grade. It has been represented to us that there should be an intermediate grade for these posts above the grade of Sub-Overseers in view of the nature of their duties. We consider this demand reasonable and fix a grade of Rs. 80—4—100—5—160 for these Inspectors. Overseers of the Water Works Department have also been placed in the grade of Inspectors. The existing Overseers of the Department, even though called Inspectors, will, however, get the benefit of the new scale of pay fixed for Overseers as personal pay, viz., Rs. 125—5—140—6—200. No new Overseer will be recruited direct or by promotion in this department.

For the Draftsman of the Chief Engineer's Office, Mechanical Draftsman and Electrical Draftsman and Estimator, we fix a grade of Rs. 180—10—250 in place of the existing grade of Rs. 165—10—215. For the Architectural Draftsman, who is on a grade of Rs. 250—10—300, we make no change. The apprentice Draftsman on the grade of Rs. 30—1—40 should have a grade of Rs. 35—1—50. For the Tracers and Draftsmen we fix a grade of Rs. 60—4—80—5—135—6—165—175.

For the Physical Instructor and Play Director we fix a grade of Rs. 60—2—80—4—100 and for the Amin Mistri, Mechanic, Motor Mechanic, the grade is fixed at Rs. 45—2—55—3—70.

For the Municipal Railway employees we fix the following grades:—

The Engineering Sub-Overseer, Dhappa, will be on the grade of Overseers, as already stated. For the Wagon Examiner, we do not consider any change necessary, as regards the standard grade, but so far as the present incumbent is concerned, we think that the grade should be Rs. 60—4—100. For the Loco Foreman and the Permanent Way Inspecto. no change is necessary. For the Drivers and Guards, the grade is fixed at Rs. 60—4—100 in place of the existing grade Rs. 60—4—80. For the Time-keeper we fix the grade of Rs. 60—4—100 as the standard grade and Rs. 60—3—90 for the present incumbent. For the Weighment Recorder we fix the grade at Rs. 45—2—55—3—70. We do not consider any change necessary in respect of the standard grade of the Platform Inspector, but for the present incumbent we fix the grade at Rs. 60—2—80. The case of Platform Sircars has been dealt with under the sub-issue "subordinate". A good deal of argument was advanced regarding the responsible duties performed by the railway employees and much higher grades, which we need not enumerate in detail, were demanded for them but it should be remembered that the length of the Corporation Railway is only 17 miles and the employees are not so qualified as the employees of other railways. Where Engineering qualifications are required, the Corporation has already fixed adequate grades.

We now come to the Health Department. We fix the grade of the Head Assistant at Rs. 250—10—300 in place of the existing grade of Rs. 215—10—265 and that of the Statistician at Rs. 200—10—250 in place of Rs. 165—10—215. For the Head Ambulance Driver whose grade is Rs. 110—5—135—6—165 no change is necessary. The present Head Driver is already getting Rs. 175 as personal pay. For the other drivers (ambulance) we fix a grade of Rs. 80—5—130, increasing the maximum by Rs. 20. This will not, however, affect their personal pay. For the Assistant Analysts, Assistant Chemical Analyst, Assistant Bacteriologist and Pathologist, we fix the grade at Rs. 150—10—350, the present grade being Rs. 100—10—350. For the Palta Assistant Chemist, the grade is fixed at Rs. 80—5—125—(E.B.)—10—175. For the Laboratory Assistants, the grade is fixed at Rs. 35—2—55. For the Assistant Medical Officer the grade is fixed at Rs. 100—5—150—10—200. For the Compounders we fix a grade of Rs. 55—3—75. For the Dressers, Dispensers, Homeopathic Dispensary Compounders and Female Attendant we fix a grade of Rs. 35—2—55, and for the Assistant Dressers, Drug Pounders and Register Writer, we fix a grade of Rs. 25—1—35. We consider no change necessary for the remaining posts under the Headings "Dispensaries" and "Maternity and Child Welfare Work" at pages 5 and 6 of Appendix G excepting that the allowance of the Part-time Resident Medical Officer is increased from Rs. 90 to Rs. 100. For the Assistant of the Pilgrims' Rest House, Kalighat, we fix a grade of Rs. 55—2—75. The grade of the Entomologist of the Mosquito Control Office is fixed at Rs. 200—10—250. For the Sanitary Officers and Superintendent, Slaughter Houses, we make no change in the existing grades. For the Inspectors of the Mosquito Control Office, the Assistant Sanitary Officers, the Food Inspectors, the Superintendent Disinfecting Station, the Sub-Registrars of Burning Ghats and Topsia Burial Ground and Overseer and Sub-Registrar, we fix the grade at Rs. 100—5—150—10—200 in place of the existing grades Rs. 80—90—5—135—6—165 and Rs. 80—90—5—110 as for all these posts the minimum qualification required is the passing of the L.M.F. Examination. The same grade is fixed for the Supervisor, Dhobikhana, and the Inspectors of the Slaughter Houses.

A good deal of argument has been advanced on behalf of the Food Inspectors for a higher grade than that of the Assistant Sanitary Officers and against amalgamation of their grade with that of the Assistant Sanitary Officers. It appears that there are some M.Bs. amongst Food Inspectors and it has been argued that their duties are manifarious and much more important and complicated than those of the Assistant Sanitary Officers. They also wanted that there should be no transfer from the post of Food Inspectors to that of Assistant Sanitary Officers or to any other post. But we consider that the initial pay and grade of a post should be fixed with reference to the minimum

lifications required and since the minimum lification required for the post of Assistant itary Officer and that of a Food Inspector is passing of the L.M.F. Examination, we do not why a higher salary or grade should be given he Food Inspectors. So far as the question of ister from one post to another is concerned, is a matter in respect of which we do not nd to interfere or express any opinion. This uld be left to the discretion of the employers, the Corporation authorities.

or the Disinfecting Inspectors we fix the grade Rs 70—4—90—5—110 and for the Bustee ansing Inspectors at Rs. 55—2—75. The ermary Assistants should have a grade of 65—5—100 and the Vaccinators, Female Vac- tors and the Sub-Registrars, Hindu and homedan Burial Grounds, a grade of Rs. 60— 100

or the post of the Superintendent, Drainage Water-supply Pumping Stations, the grade uld be Rs. 250—10—350 and for the Assistant erintendent Rs. 200—10—300. We do not con- er any change necessary in the grade of the t Engineers, which is Rs. 110—5—135—6— 10 215. We understand that they get henent overtime allowances. For the Chargeman Electric Assistant also we do not want to ke any change. For the Switch-board Atten- ts (High tension), we fix a grade of Rs. 55—3 70—5—100 and for those of low tension we fix grade of Rs. 40—2—60. For the Engine ivers, Class I, we consider no change necessary the existing grade which is Rs. 60—4—80— B) 5 110. For the Engine Drivers of Class and Class III we fix respectively the grades Rs. 55—3—70—5—100 and Rs. 40—2—60. Sub-Overseer will have the same grade fixed Sub-Overseers of the Engineering Department, Rs 75—4—95—5—125, and the Electrician ld have a grade of Rs. 55—3—70—5—100.

or the Drainage Department, the grade of the at, Outfall Section, is fixed at Rs. 50—3—80, of the Serang at Rs. 60—4—100, that of the me Driver at Rs. 60—3—90 and that of the pputor at Rs. 35—2—55 and for the Sewer nsing Section, the grade of the Inspector, ver and Checking Inspector is fixed at Rs. 35— 60—2—60. The grade of the Mechanical istant of the Electricity Department is fixed s 200—10—300 and that of the Switch-board endant at Rs. 55—3—70—5—100. We consider change necessary in the grades of the Shift gineer, Electrical Inspector, Shift Man and ior Sub-Inspector of this Department.

n the Water Works Department, the grade of Head Pipe Layer has already been fixed at 200—10—350. The Pipe Layers are on the e of Rs. 125—5—150—(E.B.)—10—200. This e is quite adequate and we do not consider any ge necessary. The Clock Repairer and the kshop Store Keeper should have a grade of 60—4—100. No change is necessary in the le of the Ground Hydrant Inspector and Chief hanic and Assistant Testing Officer. The le of the Lorry Trip Recorder has already been at Rs. 35—1—40. The grade of the Super- ndent of the Water-supply to Shipping Depart- t is fixed at Rs. 200—10—300 and that of the ver at Rs. 55—3—70—5—100. We consider no nge necessary in the grades of the Gunner and ber (Water Barge).

In the Entally Workshops, we consider no nge necessary in the grades of the Senior Fore- and the Outdoor and Carpentry Shop man. The grade of the Time-keeper, now nated as clerk, should be the same as that e clerks, viz., Rs. 60—4—80—5—150. The e of the Tool-keeper and Electric Motor er is fixed at Rs. 55—2—65—4—85.

In the Asphaltum Department no change is necessary in the grade of the Charge-Man. The grades of the Engine Driver and Time and Tool-keeper are fixed respectively at Rs. 55—3—70—5—100 and Rs. 55—2—65—4—85.

In the Commercial Museum and Publicity Section we make no change in the grade of the Officer-in-charge. The grade of the Store-keeper is fixed at Rs. 60—4—80—5—100, that of the Interpretor and Agent at Rs. 55—2—65—4—85, that of the Curator at Rs. 200—10—250, that of the Assistant at Rs. 80—90—5—140—6—200 and that of the Operator and Driver at Rs. 55—60—4—100.

In the Printing Department the grades are fixed as follows:—

The Senior Readers' grade is fixed at Rs. 200—10—250, that of the Junior Readers at Rs. 80—90—5—150 and that of the Assistant Readers at Rs. 60—4—80—5—110. We do not think any change necessary in the grade of Lino Operators and Lino Type Mechanic which was fixed at Rs. 80—5—145—10—185 on 15th March 1946. It was strongly argued on behalf of the Lino Operators that their grade should be further increased because their work was dangerous to health and had resulted in casualties in the past and it was demanded that they should have a grade of Rs. 200—15—350. But the grade fixed for Lino Operators by the Tribunal constituted to decide the cases of the Printing Presses of Calcutta, the award of which has been published in the *Calcutta Gazette* of 20th May 1948, is Rs. 95—200 and the grade in the West Bengal Government Press is Rs. 90—200. The hours of work for Lino Operators in the Calcutta Corporation Press are, however, lower than in other presses, being only 31 hours in a week. Considered in relation to the hours of work, the grade fixed by the Corporation appears to be quite fair and adequate as compared with the grade in the West Bengal Government Press and the grade fixed by the Tribunal. For the Foreman we fix a grade of Rs. 200—10—300 and for the Assistant Foreman we fix a grade of Rs. 150—10—200. The Assistant Foreman's present grade is even lower than that of the Lino Operators being only Rs. 80—165. The Lino Operators and Mechanics are subordinate to him and so he should have a higher grade. The present grade of the Section-holders is Rs. 60—4—80—5—100. We do not consider any change necessary as this grade is quite fair. The Compositors' and Distributors' grade is fixed at Rs. 50—5—95. The grade of the Press and Machineman is fixed at Rs. 40—2—50—3—65, that of the Linoman at Rs. 35—2—45—3—60 and that of the Press Mechanic at Rs. 55—2—65—3—80. We do not consider any change necessary in the grades of the Binders. The grade of the Inkman, Galleyman and Prootman is fixed at Rs. 35—1—40—2—50. The grades sanctioned by the Corporation on 15th March 1946 for the Press Mechanic, Press and Machineman, Linoman, Inkman, Prootman and Galleyman will continue as personal to the present incumbents.

In the Treasurer's Department, we make no change in the grade of the Assistant Treasurer. The grade of the Bailiffs is fixed at Rs. 55—60—2—80 in place of Rs. 50—2—70 and that of the Bank Sircars at Rs. 60—4—100. The Cashier's grade is fixed at Rs. 60—4—80—5—150, the same as that of the clerk.

In the Stores Department, the Coal Supervisiors' grade is fixed at Rs. 150—10—250, that of the Coal Inspector at Rs. 55—2—75, that of the Store-keeper at Rs. 150—10—250, that of the Assistant Store-keeper at Rs. 60—4—80—5—150 and that of the Pakur Sub-Overseer at Rs. 75—4—95—5—125.

In the Secretary's Department, the grade of the Assistant Reporter is fixed at Rs. 250—10—350, the same as that for Personal Assistants. The grade of Stenographers has already been fixed. The Telephone Operator should have a grade of Rs. 80 90 -5- 125, the Care-taker a grade of Rs. 125—5—140 —6—200 and the Librarian a grade of Rs. 150—10—250. The Keeper of Records should be on a grade of Rs. 200—10—300 and the Inspector of Theatres on a grade of Rs. 125- 5— 140- -6—200.

In the Motor Vehicles Department, we make no change in the grades of the Works Foremen and the Garage Foremen. For the Tool and Timekeeper, we fix a grade of Rs. 55—2—65—4—85.

In the Lighting Department, the Supervisor's grade has already been fixed at Rs. 200 -10—350. The Inspectors will have the grade of Overseers, viz., Rs. 125—5 -140—6—200 in place of the existing grade of Rs. 110—5—135 -6—165. The Sub-Inspectors and the Junior Inspectors should be on a grade of Rs. 75- 4- 95- 5—125. The Foreman, Mechanic Foreman, Inspecting Sircar, Pressure Recorder, Repairer and Latheman should be on the grade of Rs. 50—3 - 65. The Clock Repairer should have a grade of Rs. 40 —2- -50—3 - 65 and the Armature Winder, a grade of Rs. 60 - 4 - 80—5— 100.

In the municipal markets we make no change in the grades of the Superintendents of Entally and Lansdowne Markets. We understand that Gariahat and Lake Road Markets have now grown in importance and we recommend that the Superintendents of these two markets should have the same grade as the Superintendents of Entally and Lansdowne Markets. For the Superintendent of Park Circus Market and the Checking Inspector and Sergeant we fix the grade at Rs. 150—10 — 300. The grade of the Supervisor, S. C. Allen Market, is fixed at Rs. 110—5 -150. The grade of the Checking Sub-Inspector is fixed at Rs. 80 90 5 125 and that of the sircars at Rs. 55— 60 2 80—4 —100.

The grades fixed will not affect the present incumbent who may have got more favourable grades.

Issue No. 2: Fitting existing employees into the revised scales of pay.

The Unions have suggested the following method for fitting existing employees into the revised scales of pay, viz., that the initial pay of the present incumbent should be fixed at the stage in the proposed grade next above the pay which he is drawing and to this should be added either a special increment at the rate of one increment for every two years of completed service subject to a maximum of Rs. 50 or the difference between the minimum of the proposed grade and the minimum of the old grade, whichever is higher.

The representatives of the Corporation have strongly opposed the proposed method of fitting existing employees into the revised scales of pay. In paragraph 70 of the Central Pay Commission's Report (pages 44, 45) the Commission suggested that for fixing the initial pay of an employee in the new grade, the stage in the proposed scale next above the pay he is now drawing should be taken, and to this should be added a special increment at the rate of one increment for every three completed years of service; but the Central Pay Commission fixed a ceiling to the increase to be thus allowed. This ceiling proposed was Rs. 10 for persons drawing pay not exceeding Rs. 100; Rs. 20 for persons drawing between Rs. 101—250 and Rs. 30 for persons drawing between Rs. 251—400. The Unions have demanded a much more liberal scale of adjusting the pay of the existing employees. We find no reason for going beyond the proposal of the Central Pay Commission in this respect. On behalf of the Corporation it has been urged that the special increments allowed by the Corporation and the increments given for fitting existing employees into the Corporation's new scales of pay, must be taken into consideration by this Tribunal. By a resolution of 28th November 1945, the Corporation granted a flat increment of Rs. 3 to persons drawing pay up to Rs. 100, and by a resolution, dated 15th March 1946, all employees drawing pay exceeding Rs. 100 but not exceeding Rs. 300, were allowed one grade increment. By a resolution, dated 14th August 1946, special interim increments ranging from Re. 1 to Rs. 20 per month were again granted to the employees whose pay did not exceed Rs. 300 per month with the proviso that the special increase would be adjusted when fixing the pay of each employee in the new scales of pay which might be fixed. The Corporation granted also some further increments to fit the employees into the grades which were fixed by the Strike Settlement Special Committee and into the revised grades for labour staff and menials fixed by the Grades Reconciliation Committee. In Appendix XIII, items 1 to 4, the Corporation has shown the expenditure incurred by it for these increments and for fitting the employees into the revised grades. The increases in pay thus given have practically reached the ceilings recommended by the Central Pay Commission in paragraph 70 of its report. Accordingly we do not consider it proper to allow any further special increase for fitting the existing employees into the proposed scales. We direct, therefore, that in fitting the employees into the new grades, they should be given the stage in the proposed scales next above the pay they are now drawing (excluding the temporary special increase given on 14th August 1946. Where the existing pay together with the special increase given on 14th August 1946 exceeds the maximum fixed for the proposed scale, the employee will draw the existing pay including the special increases as personal pay.

Issue No. 3: Dearness allowance for the above categories of workers.

When the case was referred to this Tribunal for adjudication, the employees were receiving dearness allowance at the then scale of dearness allowance of the West Bengal Government, viz., Rs. 20 to employees drawing up to Rs. 30 per month and 17½ per cent. of the salary subject to a minimum of Rs. 22 per month for those drawing salary above Rs. 30. In the memorandum of joint demands the 17 Unions claimed dearness allowance at the following scale:—

Pay range.	Dearness allowance
Up to Rs. 50	
From Rs. 51—100	
,, Rs. 101—150	
,, Rs. 151—200	
,, Rs. 201—250	
,, Rs. 251—300	

This demand was made on the assumption that the cost of living index was about 20 points higher than what it was when the Central Pay Commission made its recommendation. Before the Tribunal the Unions have claimed that the minimum dearness allowance should be Rs. 45 and at each stage they have claimed Rs. 15 more than in the memorandum of joint demands. This claim has been sought to be justified on the footing that the cost of living index at present stands at about 340.

We must hold that there is no justification for claiming dearness allowance at the rate suggested by the Unions before this Tribunal. The rate has been calculated on the basis that the cost of living index was 260 at the time when the Central Pay Commission made its recommendation. It appears that in the body of the report, the cost of

ndex was taken to be 260, but from Appendix C of
ie report it appears that the actual cost of living
ndex was 285 at that time, and the Central Pay
ommission observed that its recommendation as to
earness allowance should be taken as having been
ade with reference to the actual cost of living
ndex, viz., 285. Thus the claim now made before
ie Tribunal must be regarded as excessive and
nnot be accepted. It is true that the cost of
ving index is now higher, and there is some justi-
ation for claiming dearness allowance at a
ale higher than the standard scale of the Central
ay Commission. The ability of the Corporation
bear the burden has, however, to be taken into
nsideration. Even the West Bengal Government
ave considered themselves unable to go beyond the
andard scale of dearness allowance prescribed by
ie Central Pay Commission. Moreover, between
ie Government of Bengal and the Corporation of
alcutta, there is an understanding that the Gov-
nment will bear a substantial part—80 per cent.
the expenditure for dearness allowance, if the
rporation pays dearness allowance to its
nployees at the same scale as the Government of
engal pay their employees. Accordingly we
irect that dearness allowance shall be paid at the
ale adopted by the Government of West Bengal
y Finance Department Circular No. 714 F/2A-
48 of 10th April 1948, viz.—

Pay range.	Dearness allowance.
	Rs.
Up to Rs. 50	... 25
From Rs. 51—100	... 35
,, Rs. 101—150	... 40
,, Rs 151—200	.. 45
,, Rs. 201—250	... 50
,, Rs. 251—300	.. 60
,, Rs. 301—400	... 70
,, Rs. 101—2,000	... 17½ per cent.

ssue No. 4.—Special allowances: Benefits:

(a) City or Compensatory Allowance.

he Unions have claimed that such an allowance
ld be paid to all the employees. The Corpora-
has opposed the claim contending that the
tion of payment of a separate City Allowance
stinct from the basic pay does not arise in the
of employees of the Corporation of Calcutta,
work in the city and are not required to work
ide the city. The pay and the scales of
ical and other categories of employees have
fixed by the Corporation and also by the
rnal at a figure above the standard minimum
es prescribed for the corresponding categories
the Central Pay Commission. We must hold
the element of city allowance is included in
basic pay scales. As regards the labour staff,
unskilled and skilled, it is true that the
nimum pay is fixed at the minimum recommend-
by the Central Pay Commission without taking
consideration the City Allowance, but in this
we are satisfied that no City Allowance is
lly necessary, because for employees of this
s, it would not be correct to say at present that
ng in the city is more costly than in the
fussil. On the other hand, the employees get
dstuffs at controlled prices in the city, and in
mofussil higher prices have to be paid
quently for the essential foodstuffs. Further,
labour staff do not generally use the public
nveyances and therefore do not have to spend
ney for bus and tram fares. The members of
unskilled labour staff have mostly been provid-
with accommodation by the Corporation at
ces within 1½ miles or two miles from their
ces of work. Accordingly, the claim for City
lowance or Compensatory Allowance is rejected.

(b) Free quarters or house rent allowance.

All the Unions have demanded that the Corpora-
tion employees should either be provided with free
houses by the Corporation, or, in default, they
should be given house rent allowance at the rate
recommended by the Central Pay Commission, the
minimum house rent allowance being Rs. 10 per
month.

The Corporation has opposed the claim for free
quarters or house rent allowance at the scale
recommended by the Central Pay Commission. In
the written statement the Corporation has said that
it has provided accommodation to a portion of its
labour staff in different places and that the Corpora-
tion is anxious to provide quarters for all the
labour staff and has made a scheme for housing the
conservancy staff and asked the Government to
make an advance to enable the Corporation to
implement the scheme. Pending construction of
the quarters for the labour staff, the Corporation is
paying house rent allowance at the rate of Re. 1-8
to such members of the labour staff as have not
been furnished with quarters. The Corporation
has stated that for lack of funds it is not possible
to increase the house rent allowance. The Cor-
poration has filed a statement showing the accom-
modation now provided for the labour staff in
Corporation Gowkhanas and Methar Barracks,
etc. There are also 27 buildings and seven labour
camps, requisitioned under A.R.P. measures, for
the accommodation of the Conservancy labour
staff; the buildings and the camps are still being
retained for housing the Corporation labourers.
For the labour staff living in the requisitioned
houses, the Corporation has to incur an expendi-
ture of Rs. 2-8 per head per month, but only a net
deduction of Re. 1 is made from their pay, and
for labourers residing in labour camps, a net deduc-
tion of annas 8 per head per month is made.
On behalf of the Unions it has been urged that
free accommodation ought to be given and that
particularly when some workers are provided with
free quarters, there is no justification for claiming
charges from those living in requisitioned houses.
The Corporation has justified the procedure by
saying that for the Gowkhanas and Methar
Barracks, the Corporation does not incur much
expenditure, but for the requisitioned houses, the
Corporation has to incur heavy expenditure and
therefore the Corporation is entitled to realise a
portion of that expenditure.

It may be the duty of the employer to provide
for accommodation of the employees, but the
employees must be prepared to pay up to 10 per
cent. of pay for the accommodation. In big
cities, house rent allowance is paid because,
ordinarily, the cost of housing comes to more than
10 per cent. of one's pay. Thus where a member
of the labour staff is being charged annas 8 or
Re. 1 per month as house rent there can be no
objection because annas 8 or Re. 1 per month comes
to less than 10 per cent. of his pay. It would have
been logical to charge a small house rent even
from those who are accommodated in the Gow-
khanas and Methar Barracks, but we cannot
recommend that a long standing practice should
be interfered with. Where such free accommoda-
tion is provided as part of wages, we have taken
it into consideration when fixing the minimum
basic pay for the unskilled labour staff.

For the other employees of the Corporation, who
are not getting house rent allowance at present
we cannot also recommend that such an allowance
should be introduced, in view of the state of the
Corporation's finances. Accordingly the claim for
provision of free quarters or for house rent allow-
ance at the scale recommended by the Central Pay
Commission is rejected.

(c) Conveyance allowance for outdoor staff.

In respect of the Collection Department, it has
been urged that the present conveyance allowance
of Rs. 15 paid to bailiffs should be increased to

Rs. 25 per month and that Inspectors who get no conveyance allowance at present, should get a conveyance allowance of Rs. 60 per month.

In respect of the Licence Department, it has been urged that bailiffs, who are getting a conveyance allowance of Rs. 15 per month, should get a conveyance allowance of Rs. 25 per month and Inspectors, who are getting a cycle allowance of Rs. 5 to Rs. 10 per month, should get a conveyance allowance of Rs. 60 per month; and that sircars, who are getting no allowance now, should get a conveyance allowance of Rs. 25 per month.

The Scavengers and Labour Union and the Jamadars' Peons' and Workers' Union have claimed that all outdoor peons and all scavengers should have a conveyance allowance of Rs. 10 per month.

The Employees' Association and the Workers' Federation have claimed that those employees who are now getting a cycle allowance of Rs. 5 or Rs. 10 per month should have an enhanced allowance of Rs. 25 per month and those who get Rs. 50 to Rs. 60 per month as motor cycle allowance should get an enhanced allowance of Rs. 75 per month.

So far as the Inspectors of Collection Department and Licence Department are concerned, the Grade Reconciliation and Rules Advisory Committee recommended a conveyance allowance of Rs 20 per month for them. The Unions have criticised the recommendation of the Committee as inadequate and they have given a list of outdoor duties of the Inspectors. They have also referred to the fact that the Engineering Supervisors get Rs. 60 per month as conveyance allowance and have claimed that there is no reason why the Inspectors of Licence and Collection Departments should get less. But the representatives of the Corporation have pointed out that the Engineering Supervisors have a large area under their supervision; they have 3 or 4 wards on the average to tour over as against 1 or 1½ wards in charge of Licence Inspectors and Collection Inspectors. They have also pointed out that Licence Inspectors have to collect licences only once a year from the shops and are expected to visit 20 houses in the morning in connection with that duty and attend office in the afternoon, and that Collection Department Inspectors similarly have to visit a limited area every day. The usual method of travel is by tram or bus, for the salary of these categories of workers is not high enough to enable them to keep motor cars or motor cycles. The Corporation has urged that the conveyance allowance of Rs. 20 recommended by the Grades Reconciliation Committee is quite adequate.

We have carefully considered all aspects of this matter and we are of opinion that a travelling allowance of Rs. 25 per month should be adequate for the Inspectors of Collection and Licence Departments.

For Bailiffs, we consider the conveyance allowance now paid, viz., Rs. 15 per month, as adequate and propose no increase. For Sircars of the Licence Department, we propose a conveyance allowance of Rs. 10 per month. For menials in receipt of a cycle allowance of Rs. 5 or Rs. 10 per month, we propose a fixed conveyance allowance of Rs 10 per month. We do not consider it necessary to increase the motor cycle allowance of Rs. 50 or Rs 60 per month. We reject the claim that all out door peons and all scavengers should have a conveyance allowance of Rs. 10 per month.

(d) Duty Allowance for Jamadars.

It is urged by the Unions that Jamadars and Orderlies have to wait upon Officers who may work in office up to 7 or 8 p.m. and that such Jamadars and Orderlies should get a duty allowance of Rs. 10; this applies particularly to Jamadars and Orderlies of Heads of Departments who have to a Committee meetings until late in the evening are detained till late hour in office. It app however, that Jamadars and Orderlies who detained till a late hour in office regularly already been granted a duty allowance of R to Rs. 10 by the Corporation, according to circumstances of the case, and the Deputy Accountant has informed the Tribunal that who are occasionally detained till a late hour a tiffin allowance for that day. Accordingly, is no justification for a further duty allowanc Jamadars and Orderlies and the claim is reje

(e) Tiffin Allowance for Heavy Manual Wo and other categories of workers.

Tiffin Allowances at the rate of Rs. 5 per mo have been claimed for heavy manual work particularly workshop employees, workers work in underground trenches and manholes, workers, waterworks coolies, municipal rail workers and asphalt-weigher and workers of old Pumping Station and Nikashi Drain coo

According to the Corporation, all Engineer Department workers are heavy manual workers their hours of work are so fixed as not to cause undue physical strain on them. According there is no justification for granting tiffin all ance to heavy manual workers. The hours of w for the labour staff are shown in Schedule V Appendix XI. The working hours of Nika Drain coolies are 5-30 to 12 noon in winter an a.m. to 11-30 a.m. in summer. For Sewer cool the hours are 6 a.m. to 12 noon both in winter summer. For G. P. coolies and boys the ho are 5-30 to 10-30 a.m. in winter and 5 to 10 a in summer. The Press workers work only 44 hou in a week. The hours for most of the heavy mann workers are such that they do not have to le the place of their duty during the tiffin time regards the Factory workers, they no doubt stay the Factory premises at tiffin time, but there canteens at some of the workshops and workers given refreshments there at cost price. Thereby there is no justification for a tiffin allowance.

It has been urged by the Unions that the hea work so exhausts the workmen that they requir additional remuneration for keeping up the energy. But in many cases such workers do doubtl work, for instance, G. P. coolies also work Sewer cleansing coolies. The hours of work comparatively short in the Corporation. Accord ingly the argument that the workers are mad exhausted by their work cannot be accepted. Th claim for tiffin allowance is therefore rejected.

(f) Overtime and Night Work Allowance.

The Factory workers have provision under th Factories Act for overtime. The Unions clai that other workers should have their hours of wor fixed and should have remuneration at 1½ times their normal remuneration for overtime, and th night workers should be paid at the rate of 1 times their normal pay. As an instance of nigh work, reference has been made to the work of Sub Inspectors and Inspectors of Waterworks, who hav to carry out tests of the water-supply pipes o Thursdays and Sundays between 11 p.m. and 1-3 a.m., although from the time of the riots in Calcutta, the hours have been fixed from 8-30 p.m. to 11-30 p.m.

As regards such night work by the Sub Inspecto and Inspectors of the Waterworks Department, th reply of the Corporation is that such work is pa of their normal duty. This is mentioned Schedule V of Appendix XI, viz., special duti such as Ground Hydrant Flushing and night inspection work from 11 p.m. to 1-30 a.m. for nights a week. It is also stated that the employ taking part in night work get four hours off

xt morning and therefore no extra payment is quired. In such a case, where the night work part of the ordinary duties attached to the post d where compensation is provided for the night rk by the workers getting four hours off next rning, there is no justification for a special lowance. It is next submitted by the Unions at the drainage staff have also to do night work. ppendix XI, Schedule V shows that Drainage partment coolies have to work five hours together during the day or the night. In such case no special allowance or overtime can be med if the work is done at night instead of at y time.

As regards clerical staff and menial staff, the nions also claim overtime for duty beyond their ice hours. It appears, however, from the reply the representatives of the Corporation that the rporation already has a system of paying a tiffin lowance to clerks and menials when they stay on ty beyond their office hours. Thus for clerks, overtime on any day is not less than three hours, tiffin allowance of Re. 1-2 is paid and for work Sundays and holidays, where overtime is not s than four hours, a tiffin allowance of Re. 1-8 paid. The Unions have suggested that instead a flat rate of payment, the clerks and peons ould get overtime at the rate of 1½ times the rmal rate of payment for the actual hours of ertime work. We are not, however, inclined to troduce such a system of overtime for the clerks d menials. We may refer to the comments ade by the Central Pay Commission in paragraph 3 of its report, that if a system of overtime allowce is introduced for office work, it will encourage ckness during the regular office hours in order enable the earning of overtime. The Central ay Commission has recommended that officers ould be instructed to avoid detaining the staff office till late hours and should see that work completed during the normal office hours. It is, owever, possible that the nature of work is such at it cannot be completed within the normal ffice hours and it is to make provision for such a se that the Corporation has provided for a tiffin llowance for the clerical and menial staff, when ey have to work overtime. We see no reason to terfere with this system. We may note also that e Government have not yet introduced such a stem of overtime for their clerks and menials, nd that the Corporation staff has got some dvantage in this respect over the Government mployees. In the Collection Department and the reasury Department there is heavy rush of work t the end of each quarter, but we understand hat there is a special scale of overtime for he staff of these departments and no interference s necessary in this case also. The Unions have ext referred to the working hours of Durwans and ated that Durwans have long working hours and ould get overtime. The Corporation has shown Schedule VII of Appendix XI that all Durwans t a duty allowance of Rs. 5 on the ground that ey are detained several hours each day in the urse of their duties. Thus there is no justifica- n for a claim for further overtime for Durwans.

Lastly, there is the case of the Loco running aff, viz., driver, fireman, etc., of the municipal ilway. The municipal railway is a small railway stem, the total length of the line being 2·17 iles, and the railway is chiefly utilised for carry- g refuse from the city area to Dhapa area and carrying ballast or stone chips for Corporation oads. The Union has urged that the Loco nning staff are sometimes on duty for even 12 ours and they have no regular system of over- me. It is urged that the rate of overtime should e prescribed for the Loco running staff.

The Chief Engineer of the Corporation has filed statement showing the actual overtime work of e Loco running staff. It should be pointed out at the work of the Loco running staff is not con- nuous, for the trains of the Corporation run over a short line but there is a detention at the terminus, and after some detention the crew returns with the train. Thus the spread-over may be more than 8 hours, but the actual hours of work are not necessarily more than 8 hours in all cases. As regards the employees on the passenger and morning town trains, we find that the total spread-over is only 9 hours. This is less than the spread-over of 10½ hours allowed by the Factories Act. The duty being non-continuous, we are not satisfied that any overtime is payable in such a case. Regarding the evening town train, the total spread-over is only 8 hours and there is no case for overtime. For the staff engaged on Dhapa and Ballast trains, the total spread-over is 12 hours. In this case there is justification for some overtime. The Government of India have recently framed certain rules on the basis of the report of Justice Rajadhyaksha. The Corporation should adopt the overtime rules for the Railways prescribed by the Government of India and pay overtime to the Loco running staff, if such overtime is admissible under the rules.

(g) Maternity Benefit for Female Workers.

It has been claimed that female workers should get one month's maternity leave on full pay before confinement and one month's maternity leave on full pay after confinement. Under the Bengal Maternity Benefit Act of 1939, Factory women are entitled to four weeks' ante-natal and four weeks' post-natal leave with pay. The Corporation is already allowing one month's leave before and one month's leave after confinement with full pay, although the present rule is that one month's leave with full pay should be allowed and one month more in special cases. The Chief Engineer of the Corporation has explained that this rule was adopted because in many cases women workers do not take leave before confinement and apply for leave only after confinement. We, however, direct that the rule should be amended so as to provide for one month's leave with pay before and one month's leave after delivery with full pay.

(h) Uniforms and Washing Allowance.

The Unions have claimed that all out-door staff should get uniforms and further that washing allowance should be given to all the workers who are provided with uniforms.

The Corporation supplies uniforms to Durwans and umbrellas to out-door workers during the rainy season. Nurses and sisters are also supplied with uniforms and are also given a washing allowance. Further the Corporation gives a free supply of soap, oil and napkins to several classes of labour staff. They are mentioned in Schedule VI of Appendix XI of the Corporation's written statement. On behalf of the Corporation, it has been stated that the Corporation is willing to extend the system of giving uniforms to the out-door staff and also to provide long coats to all night workers, but that paucity of funds stands in the way at present. We are satisfied that in the matter of supply of uniforms and granting washing allowance, the Corporation is doing as much as it can in its present financial position and at this stage we are not inclined to give any mandatory direction on this point.

Issue No. 5.—Leave.

(a) Casual Leave.

At present the Corporation allows 10 days' casual leave to its employees other than labour staff. The labour staff gets no casual leave, although unskilled labour gets 15 days' leave with pay in a year and the skilled labour staff get 21 days' leave with pay in a year. The Unions claim that all classes of staff including labour should get 15 days' casual leave in a year with pay. In most Government Offices, however, 10 days' casual leave

with pay is the rule. Further the labour staff is not granted casual leave with pay in any establishment. Accordingly we see no reason to modify the present rules of the Corporation as to casual leave.

(b) Medical Leave for Labour Staff.

The employees other than labour staff already get adequate leave on medical certificate. For the labour staff it is urged that there should be a provision for sick leave on full pay.

In the written statement the Unions have demanded sick leave on full pay for 15 days for the labour staff. We consider the demand for the provision of sick leave for labour staff as reasonable. Under the Employees' State Insurance Act, 1948, workmen will get an allowance roughly equivalent to half pay when they are ill. Accordingly we provide that the labour staff should be granted sick leave on half pay for 15 days in a year.

(c) Privilege leave for labour staff and menial workers.

The Corporation has already made provision for privilege leave for 14 days for the unskilled labour and 21 days for the skilled labour staff. It is not demanded by the Unions that this privilege leave should be further increased. It is, however, claimed that privilege leave with pay as sanctioned by the Corporation on 23rd March 1938 for Jamadars and peons be immediately implemented. On 23rd March 1938 the Corporation resolved that employees in inferior service like block sircars, peons, orderlies, durwans and bearers should be given privilege leave of one month in a year with full pay, as in the case of the clerical staff. But the leave rules made by the Corporation for the employees required the sanction of the Government, and the Government insisted that the Corporation should make an amendment providing that leave salary of an inferior servant shall not exceed what remains from his pay after providing for efficient discharge of his duties during his absence provided that the excess over half pay granted to the officiating man may at the discretion of the authorities be disregarded in calculating the leave salary. Under this amendment when a substitute is appointed for an employee in inferior service going on leave, the employee concerned cannot get more than approximately half of his pay. The Unions urge that full pay ought to be given as in the case of the clerical staff. But in this respect the Corporation has merely adopted the Government rule at the instance of the Government. It is desirable that leave rules for the Government employees and the Corporation employees should be similar as far as possible and accordingly we cannot direct any amendment in the leave rules.

It has also been urged that labour staff and other employees of the Corporation, who have to work for 365 days in a year and do not get the benefit of Sundays and holidays at present, should be allowed to enjoy Sundays and holidays or should in the alternative be given double pay on Sundays and holidays. This claim is made for the Conservancy staff in particular, who have to work every day. From the very nature of the work, the work must be performed from day to day without any break. If the Corporation is to give them permission to enjoy holidays, the Corporation will be required to employ additional hands on holidays and this will entail a great deal of extra cost, which the Corporation cannot afford to bear. Moreover the term of their employment is that they will work from day to day without any extra payment. Accordingly this claim is rejected.

Issue No. 6.—Retiring Benefits.

(a) Gratuity, Pension and Insurance Benefits.

Regarding gratuity, the only point urged is that the rule that gratuity will become payable after 15 years' service should be abolished. We, however, do not think that this would be able. Gratuity is a retiring benefit an employee must be put in a certain numb years' service before he can be permitted to with gratuity. The limit of 15 years' serv in fact, more liberal than the rule adopte Government and by many industrial co There is no justification for modifying the

The Workers' Federation has urged that a bined pension and insurance benefit schem recommended by the Central Pay Comm (page 102) should be adopted by the Corpo for its employees. Corporation has, howev system of paying pension to its employee has a system of Contributory Provident plus special contribution or gratuity. Government also have not adopted a syste combined pension and insurance scheme suggested by the Central Pay Comm Accordingly the claim that the Corporation s start such a scheme is rejected.

(b) Special Contribution to Contributory P dent Fund.

The Corporation grants gratuity or spec tribution into the Provident Fund on complet 15 years' service. The Unions claim that period should be reduced to 10 years. We, ever, consider that this would not be desi as already explained when dealing with the of gratuity.

It is also urged that the rate of compul contribution should be 8¼ per cent. in the of inferior and labour staff, as it is in the ca other employees.

At present the rate of contribu is 8¼ per cent. for employees o than labour staff. For the labour staff, is Re. 1 per head per month for those draw pay up to Rs. 30 and Rs. 1-8 for those draw pay above Rs. 30 and exceeding Rs. 40 Rs. 2 for those drawing pay above Rs. 40 month. The Corporation has stated that it been found difficult to collect from the lab staff even the contribution prescribed under Provident Fund Rules of the Corporation and the circumstances it would be undesirable increase the rate of contribution by the lab staff. Further, the labour staff, many of wh are low paid, cannot afford to spare 1/12th their salary for provident fund contribution consider, however, that the rate of contribut for labour staff should be 6¼ per cent. which the standard rate of contribution obtaining many industrial establishments and in m categories of Government Railway Serv Accordingly we direct the following alterati in the Provident Fund Rules, viz., that in case of the labour staff the rate of compul contribution shall be 6¼ per cent.

The Unions have raised the point that there no provision for voluntary contribution by labour staff, though there is provision that oth classes of employees may contribute an additio voluntary subscription into the Provident Fu We do not consider it necessary to provide th the labour staff shall be entitled to make additional voluntary subscription into the P dent Fund, because it has been found difficult realise even the compulsory contribution fr the labour staff. Moreover, the Corporati contributes a sum equal to the compulsory su scription and there is no contribution made by th Corporation for the voluntary subscription. do not, therefore, consider it necessary to exte the rule of voluntary contribution the Provident Fund to the labour staff as well.

Issue No. 7.—Bonus.

(a) Independence Day Bonus.

his demand has only been made by the adar Peons and Workers' Union. The Cor- ation has not paid an Independence Day us to any class of employees. The claim for a bonus does not constitute an industrial dis- . The Corporation is not a profit making ern and its finances are in a bad state. Thus d it were a matter falling within the defini- of an industrial dispute, we would not be osed to make an award granting an Indepen- e Day bonus.

(b) Id and Puja Bonus.

his demand has been made by the Workers' on This claim also does not constitute an strial dispute and hence it is rejected.

Issue No. 8—Medical Facilities.

he Unions have demanded that the cost of ical treatment for Corporation workers and loyees should be borne by the Corporation; a certain number of beds in hospitals, spe- y in those institutions receiving Corporation ts, should be reserved for the employees of Corporation, and that two representatives of employees of the Corporation should be given in the Committee of Management of each itution receiving such grant.

Corporation has a number of dispensaries the Corporation workers and employees free medical attention and treatment. The ation has furnished a list of its charitable saries, charitable dispensaries specially for its labour staff, Corporation als, Corporation Maternity Homes and ation Maternity Units. There are public charitable dispensaries main- by the Corporation and 7 more able dispensaries meant specially for the staff. Further the Health Officer passed et on 19th October 1946 that in connection the free treatment of the labour staff the ana Dispensaries should be kept open for hours daily in the afternoon. It appears, re, that the Corporation has made adequate ements for medical aid of its employees.

Unions have urged that there is no dispen- ear the Entally Workshop and that one be provided and that further medical aid ies should be arranged in Bustees where ation workers live.

his matter we can only recommend that the ation should, as soon as funds permit, pro- dispensary near the Entally Workshop.

regards the question of reservation of beds spitals receiving grants from the Corpora- the Corporation agrees in principle that this be done. We are told that on the recom- ation of the Health Officer beds are made ble to the employees who want them. hugly no further direction in this respect is ary.

regards seats for representatives of the Cor- on employees in the Managing Committees hospitals, we do not think that the claim tified. Moreover there is a difficulty in the for the Managing Committees must be ved by the Government and the rules for tion of the Managing Committees are also by Government; it may not thus be possible ovide for representatives of Corporation yees on the Committees under the rules. this demand is rejected.

regards the claim that a fully equipped al should be maintained for Corporation yees only, the Health Officer has stated that the Monoshatala Hospital at 6, Monoshatala Lane, is available for the employees and that accommodation in the hospital has never been refused when employees have asked for it. The difficulty is that the Corporation employees prefer to go to the better equipped Government hospitals, rather than to the Monoshatala Hospital. In such circumstances there is no point in asking the Corporation to reserve a hospital for Corporation employees, because if such reservation were made, many of the beds would remain vacant.

Next it is urged that 55 beds of the Jadavpur T. B. Hospital are at the disposal of the Health Officer and that the Health Officer should arrange to reserve at least half the beds for the Corporation employees. We think that the claim is not at all reasonable. The 55 beds of the Jadavpur Hospital are meant for the rate-payers of the Corporation and they cannot be earmarked for the employees. It appears from the statement of the Health Officer that he has provided beds for one employee and 10 relatives of the employees, in other words, 11 out of the 55 beds have been given to the employees or their relations. This is more than what the employees can rightly claim in proportion to the number of rate-payers in Calcutta, who are entitled to the same facilities. Moreover once a patient is admitted into the hospital as an indoor patient, the bed does not fall vacant within a long time. It is not possible that a bed filled up on the recommendation of the Health Officer, should be made vacant, after throwing out the patient occupying it, when an employee of the Corporation or his relative is attacked with T. B. The Health Officer has stated that he gives preference to the Corporation employees in the distribution of beds and that is all that the Corporation can do for its employees.

Issue No. 9—Supply of Cheap Rations.

At present rations at concession rates are supplied to Corporation employees drawing pay up to Rs. 35 per month. On behalf of the Workers' Federation it is urged that the Pulta Pumping Station workers drawing pay up to Rs. 100 per month should get cheap rations and that similar benefit should be extended to all the workers of the Corporation and the anomaly should be removed. The other Unions have also adopted the claim that cheap ration should be given to all employees drawing pay up to Rs. 100. Further it has been claimed that rations should be given on a more liberal scale and that the reduction in the quantity of rations should be restored.

When dealing with the basic wages, we have recommended that rations at concession rate should be given to the unskilled labour staff drawing pay not exceeding Rs. 35 and that the benefit should be withdrawn from the skilled labour staff and menial staff. Accordingly in order to remove the anomaly pointed out by the Workers' Federation, we would recommend that at Pulta Pumping Station also, benefit of cheap ration should be restricted to the unskilled labour staff drawing pay up to Rs. 35 only, but the skilled labour staff may get ration from the Corporation shops at the controlled rate. As to reduction in the supply of rations, this was done by the Corporation when the Government reduced the scale of supply. The Corporation is not at fault in this respect. In view of the present supply position in the city, the Corporation cannot be asked to supply rations at the original scale.

Issue No. 10—Provision of Rest and Recreation Centre.

On this point there is only a claim by the Workers' Federation and the representative of the Workers' Federation has explained that he has asked for provision of a rest and recreation centre only for the workshops. The biggest workshop of the Corporation is at Entally. The Corporation

representatives have explained that at Entally there are very few resident workers and that out of about 1,100 workers, more than 800 come from outside. Further the representative of the Corporation has said that a Football and Swimming Club has been started at Palta, but it has not obtained sufficient support from the employees, and that it would be useless to start a rest and recreation centre for the workmen. The representative of the Corporation has also said that previously at Gowkhanas, educational films were occasionally exhibited, and night schools were run for the improvement of the labour staff, and that the Corporation intends that these amenities should be restored; the amenities had to be discontinued during the War years. In view of what has been said on the point by the Corporation representatives, we do not think it necesasry to give any direction on the point.

Issue No. 11—Working hours in Corporation Workshops.

There is a claim that working hours should be reduced to 40 per week. This claim, however, cannot be accepted, for the 48 hour week is the recognised system in India.

Next it is urged that at the Motor Vehicles Department workshop, though work is done for 46 hours in the week, 48 hours' pay is actually given, but that at the Entally Workshop, where 46 hours' work is done in the week, pay for 46 hours only is given, i.e., on Saturday 6 hours' work is done and ⅞ of the day's pay is given. We do not think that it is justified. The remuneration of the workman is fixed on the basis that he will have to work for 48 hours in the week and, if he works for 48 hours in the week, he cannot claim any extra remuneration; but if the employer makes a reduction in the working hours for some reason or other, he cannot reduce the pay of the workmen. He must give them the full week's wages, where the fall from 48 hours is not due to any fault of the workmen.

The Chief Engineer on behalf of the Corporation has agreed to introduce the system obtaining in the Motor Vehicles Workshop to the Entally Workshop. We direct that this should be done, so that there is no anomaly.

Issue No. 12—Conditions of Service.

(a) Age-limit in the case of first appointment.

The Unions demand that to prevent corruption and nepotism an age-limit should be fixed in the case of first appointments, an exception being made only in the case of political sufferers, technical posts and people now in the temporary service of the Corporation.

The Corporation has stated that at present there is no age-limit in the matter of appointments and that in these hard times it is not desirable to apply an age-limit in the case of first appointments. An age-limit in the case of first appointment exists, however, in the case of Government service. The conditions of service under the Corporation are analogous to Government service. We agree with the contention of the Unions that the existence of an age-limit would tend to restrict the scope for corruption and nepotism. We understand from the Unions, that an attempt to introduce an age-limit was made from time to time by some Mayors, but that the attempt did not succeed. We direct that an age-limit should henceforth be fixed in the case of first appointments except in the case of the labour staff and the technical staff and that an exception should also be made in the case of political sufferers and people now in the temporary service of the Corporation. Otherwise the minimum age-limit should be 18 and maximum age-limit should be 25 years.

The Teachers' Union has urged that the minimum age-limit for teachers has been fixed at 21 and that this involves hardships for the ten teachers who are below 21 as they have no of confirmation before they attain the age Where the Corporation has introduced a limit, we do not consider it necessary to fere with the same. As regards the teachers the age of 21 they may wait till they att age of 21.

(b) Retiring age for the different classe employees.

At present the retiring age for the menial years and for the labour staff there is no For the other classes of employees, the r age is at 55 years.

The Unions want that for the labour staff should be no age-limit, that for menials a the teachers the age-limit should be 60, and t others the age-limit should be 58, as recomm by the Central Pay Commission. But neith Government of India nor the Gover of West Bengal have accepted the recomm tion of the Central Pay Commission in this re Now-a-days when there is pressure of unem ment and there is question of making provisi refugees from Pakistan, it is not desirable to retiring age above the limit now in exis Accordingly, we direct that no alternation be in the rules as to retiring age.

(c) Provision that all new appointments shou at the starting salary of each grade

The Unions have pressed for such a provi but the Corporation has objected that disc must be left to the appointing authority to the benefit of some increments to suitable c dates. In respect of Government service, al appointments are made at the starting sala each grade, but there is provision for giving s increments when an employee shows partic efficiency. We consider that the Corpor should adopt similar rules. Accordingly, we d that all new appointments should be made a starting salary of each grade. Only in respe technical posts an exception may be made to s the services of a highly qualified candidate

(d) Preparing a Panel of temporary employee absorbing them into permanent vacancies

The Corporation in paragraph 30 of the wr statement partially accepted the demand tha panel of temporary employees should be made that the temporary employees should be also in the permanent vacancies as soon as possi The Corporation says in paragraph 30 that i prepared to maintain a panel of qualified person temporary service department by department, fill up permanent vacancies in each departm from such panels on the recommendation of t head of the department. At the time of the he ing the Corporation has also agreed that in c of temporary employees not possessing the requi minimum qualification, a general list should made for absorbing them in suitable vacancies possible. Accordingly, no further direction necessary.

(e) Promotion and Supersession.

On this point the Unions have urged strong that provision should be made for filling up vac cies by promotion as far as possible and that o siders should not be allowed to be imported if the Corporation in supersession of the claim existing employees with long terms of service. the rules adopted by the Corporation by the res tion, dated 9th January 1948, quoted in Appen XIV of the written statement of the Corporat minimum qualification, for different posts h been prescribed and it has been provided in m cases that at least 50 per cent. of the vacanc are to be filled up by promotion; in some c all the posts are to be filled by promotion. these rules are properly followed, they would ciently meet the objection of the employees

supersession is rampant in the Corporation. We recommend, therefore, that the rules contained in the resolution of the Corporation, dated 9th January 1948, should be strictly followed.

(f) Time-scale for temporary employees.

The Unions have claimed that temporary employees should be given the benefit of time-scales and should not be kept on the same fixed pay from year to year.

The Corporation, in its written statement, has accepted this demand to a large extent and has suggested that it is prepared to make the following rule:—

> "In future all temporary posts, whenever created, shall be deemed to have the usual standard grades attached to them. Annual increments will be earned on the completion of one year's service and on passing the departmental examination, if any, and thereafter after one year's service from the date of last increment subject to the usual conditions attached to the grant of grade increment."

We consider that this rule is reasonable and will remove the grievances of the employees. We direct, therefore, that such a rule be incorporated in the Corporation Rules of Service.

(g) Reservation of percentage of vacancies for children and dependants of employees.

The Unions have claimed that 25 per cent. of the vacancies should be reserved for children and 15 per cent. more for the dependants of the employees. The Corporation has agreed to reserve altogether 25 per cent. of the vacancies for the children and dependants of employees, provided they possess the minimum qualifications necessary for the posts. The claim that 40 per cent. should be reserved for the children and the relatives is too high. We accept the offer of the Corporation to reserve 25 per cent. of the vacancies for children and dependants of the employees provided such children and dependants possess the necessary minimum qualifications.

(h) Conditions under which a worker may be permitted, if at all, to hold double appointment under the Corporation or to hold an outside appointment in addition to appointment under the Corporation.

Normally service under the Corporation should be full-time service. There are, however, certain categories of Corporation employees having very light work. One prominent instance is that of Gas Lamp Lighters. They have the duty of lighting from 35 to 43 gas lamps each in the evening and of extinguishing the lights in the early morning. They are also supposed to report about the condition of the gas lights and mantles at the Corporation office during the day time, but this part of the work is said to be frequently overlooked and it is not insisted upon, so that Government peons or Corporation peons or people in other employment combine their other appointments with the appointment of lamp lighters under the Corporation. Similarly Sewer Coolies, whose hours of work are in the morning from 6 a.m. to 12 noon, and Nikashi Drain Coolies, whose working hours are from 5 to 11-30 a.m., also work as Sewer Cleansing Coolies in the Drainage Department, where the cooly is to put in five hours' work either in the day or at night. G. P. Coolies have only five hours' work from 5 a.m. to 10 a.m. or 5-30 a.m. to 10-30 a.m. Service Privy Mehthars have four hours' work. It is, therefore, possible for these men to do additional work. During the war years a resolution was passed by the Corporation enabling the labour staff to do double duty and get double pay, because the Corporation had difficulty in getting additional men for work in case of vacancies. We think that this resolution should be rescinded when normal times return, because work under the Corporation as under any employer should be full-time work and there should not be time and energy left to take any additional full-time work. The case, however, would be different if some of the workers were regarded as part time workers. However, since the Corporation has a resolution allowing labour staff to do double duty, we direct that in every case double duty should be done with the express sanction of the Chief Engineer, who should report such cases of sanction to the Chief Executive Officer, and that, further, when such double duty is permitted, the workmen should get only one dearness allowance, although he may get the basic pay of the second job in addition to the basic pay of the first job.

As regards permission to hold outside appointment in addition to the appointment under the Corporation, we consider that there is no objection to permission being given for part-time appointment, e.g., when a teacher, though a whole-time worker, is granted permission to do private tuition, but no permission should be given to any Corporation employee for whole-time appointment under any other employer. If it is found that such whole-time service has been taken without permission of the Corporation authorities, dismissal of that employee from Corporation service should be the normal rule.

Issue No. 13.—Compensation for victims of Calcutta Communal Riots.

The Unions have claimed that Corporation employees who were physically injured during the last communal riots should be given proper compensation, and that families of Corporation employees who died as the result of the communal riot should be given compensation. The Corporation in its written statement has accepted the claim and has suggested that applications should be made to the Corporation authorities for such compensation by the employees or by families of Corporation employees who were injured or died in course of their duty during the communal riots. Accordingly no further direction on this issue is necessary.

SUMMARY.

We give below a summary of our Award:—

(1) The minimum basic pay and scales of pay for the different categories of workers are fixed as follows:—

(a) Unskilled Labour.

(*i*) Standard Grade—Rs. 25—1—30.

(*ii*) Upper Grade—Rs. 27—1—32.

(*iii*) Gully-Pit Boys and Boy Coolies—Rs. 16—1—18 (not changed).

The members of the unskilled labour staff will have the benefit of subsidised ration.

(b) Skilled Labour.

The minimum basic pay for the skilled labour is fixed at Rs. 35 per month, but the skilled labour will not have the benefit of subsidised ration. They may, however, take foodstuffs from the Corporation Ration Shops but must pay the controlled price for them. The existing grades for the skilled labour as shown in Appendix XI, Schedule II of the Corporation's Written Statement, are revised as follows:—

Existing grade. Rs.	Revised grade. Rs.
25—1—30	35—1—40.
25—1—30—1—35	35—1—40—1—45.
25—1—35—1—40	35—1—45—1—50.
25—1—30—2—40	35—1—40—2—50.
25—2—35—2—45	35—1—40—2—50.
30—1—35—1—40	35—1—40—2—50.

As regards the remaining grades we make the following amendments:—

(*a*) Where the starting salary varies from Rs. 30 to Rs. 50, a flat rise of Rs. 5 is to be given both to the starting salary and the maximum salary.

(*b*) Where the starting salary of the grade is Rs. 60 or upwards we propose no alteration in the scales.

Ash coolies will be included in the category of skilled workers and will be given the grade of Rs. 35—1—40.

(c) Menial Staff.

The scales of the menial staff are revised as follows:—

Existing grade.	Revised grade.
Rs.	Rs.
25—1—30	.. 30—1—35.
30—1—35	.. 35—1—40.
35—1—40	.. 40—1—45.

As regards the menial staff also, the benefit of the subsidised ration is to be withdrawn but, as in the case of skilled labour, the menials may draw foodstuffs from the Corporation Ration Shops at controlled price.

(d) Maid-servants.

The existing scale of Rs. 13—1—18 is revised to the scale of Rs. 20—1—25.

(e) Subordinate Staff.

Employees belonging to this category will not get the benefit of subsidised ration, though they may purchase rationed foodstuffs from the Corporation Ration Shops at controlled prices. The minimum basic pay of employees of this category is fixed at Rs. 35 and the existing scales are revised as follows:—

	Existing scale.	Revised scale.
	Rs.	Rs.
Block Sarcar	25—1—40	.. 35—1—50
Road Sarcar	20—1—35	.. 35—1—50
Platform Sarcar	.. 25—1—35	.. 35—1—45
Tally Man	.. 25—1—35	35—1—45.
Laboratory Bearer	30—1—35	35—1—40
Lorry Trip Recorder	25—1—30	35—1—40
Gate Checkers, Godown Keepers, Godown Sarcar, Illetrate Gate Pass Checkers, Notice Servers, Process Servers	30—1—40—2—50	35—1—45—2—55
Poddar	.. 30—1—40	.. 35—1—45—2—55
Sarcars (Licence Department)	30—1—40—2—50	40—2—50—3—65.
Sarcar (Asphaltum Department).	35—2—45—3—60	.. 40—2—50—3—65.
Tally Clerk	.. 25—1—36	.. 35—1—45—2—55.
Sorters, Despatchers	30—1—40—2—50	.. 40—2—50—3—65.
Time keeper	.. 25—1—35—2—45	.. 35—1—45—2—55.
Daftaries	25—1—35	.. 35—1—45.
Record Supplier	35—2—45—3—60	.. 40—2—50—3—65.
Drivers (Motor Vehicle Department).	50—60—1—80—5—100	55—60—4—80—5—110.

Other classes of employees included in this class are listed in Appendix XI, Schedule I, Sheet 1 and Sheet 2, and Schedule I, Part II. In their case the new grades are fixed by adding Rs. 10 to both the existing starting pay and the existing maximum pay, *i.e.*, the scales of Rs. 25—1—30, Rs. 25—1—35 and Rs. 25—1—40 are revised to Rs. 35—1—40, Rs. 35—1—45 and Rs. 35—1—50.

(f) Apprentices in Entally Workshop.

The following scale of allowance is fixed for apprentices in Entally Workshop:—

1st Year—Rs. 20.

2nd Year—Rs. 25.

3rd Year—Rs. 30.

4th Year—Rs. 35.

5th Year—Rs. 40.

In the 6th year the allowance will be Rs. 50 when he will obtain practical training.

There will be no dearness allowance payable to the apprentices of the Workshops.

(g) Teachers and Instructors.

The existing scales are revised as follows:—

	Existing scale.	Revised scale.
	Rs.	Rs.
Head Master—		
Model School Class I Type Bustee Type	75—80—5—110 (E. B.)—5—140. 50—55—60—4—80—5—115.	80—85—5—110 (E. B.)—5—150
Assistant Head Master (Model School)	60—65—4—85 (E. B.)—5—115	70—74—4—90 (E. B.)—5—130.
Teachers—		
Model School Class I Bustee Type	50—55—60—4—80(E.B.)—5—100. 40—45—3—60 (E. B.)—4—80—5—90.	60—64—4—80 (E. B.)—5—120.

Head Mistresses and women teachers will be on the same scales as Head Masters and teachers:—

	Existing scale.	Revised scale.
	Rs.	Rs.
Vice-Principal	.. 165—10—250	.. 200—10—300
Lecturer	.. 110—5—135—6—165	.. 125—5—140—6—200
Inspector, Inspectress, Attendance Officer.	110—5—135—6—165	.. 125—5—155—6—200
Artisan Instructor, Sewing Instructress.	35—2—45	.. 50—2—60—4—80
Gomosta Teacher	.. 60—3—75	.. 60—3—90

The Drawing and Modelling Instructor, the Physical Instructor and Scout Master will have the same grade as that of the Assistant Head Master, and the Arts and Craft Instructor will have the same grade as the Artisan Instructor

(h) Clerical.

The existing scale of lower grade clerks, viz., Rs. 50—60—4—80—5—165, is split up into two scales, viz., Rs. 60—4—80—5—150 and Rs 150—10—200. The 28 posts of Divisional Head Clerks and one post of Senior Assistant Keeper of Records will be included in the scale of Rs. 150—10—200; other posts should be included in this scale so as to have not less than 10 per cent. of the total number of posts in this scale. Clerks in the existing lower grade who fail to obtain promotion to the Subordinate Higher Grade of Rs. 150—10—200 will draw pay in the existing scale of Rs. 50—165 as personal pay.

The other scales of Upper Grade Clerks are revised as follows:—

Existing scale.	Revised scale.
Rs.	Rs.
165—10—215	.. 200—10—300.
215—10—265	.. 250—10—300.
250—10—350 (for Personal Assistants).	No change.

For Stenographers a separate scale is fixed at Rs. 100—5—150—10—200. The existing special grade for Telephone Clerks will be abolished and junior Lower Grade Clerks should be put on duty as Telephone Clerks. All posts in the grades of Rs. 150—10—200 and Rs. 200—10—250 will be filled by promotion. The posts of Personal Assistants should also be filled by promotion as far as possible.

Other Staff drawing pay up to Rs. 500.

The existing scales are revised as follows:—

	Existing scale.	Revised scale.
	Rs.	Rs.
luation Checkers	60—4—80	60—4—100.
cessing Inspectors	60—3—75—4—115—7—185 ..	80—4—120 (E.B.)—8—200.
b-Assessors, Inspectors	110—5—150—10—300 ..	125—5—150 (E.B.)—10—300.
ck Verifiers, Audit Inspectors	125—5—135—6—165—10—215	125—5—150—10—250.
bffs of Licence and Collection Department	50—2—70—4—90 ..	55—60—2—80 (E.B.)—4—100
rt Registration Officer	250—10—300	No change.
w Assistants, Conveyancing Assistant ..	110—5—135—10—225 ..	125—10—275.
ripatetic Pleader	200	200—10—300.
Engineering Department.		
pervisors or Assistant Engineers, Testing Officer, Inspector, Clerk of Works.	160—10—220—10—300 ..	200—10—300 (E.B.)—10—350.
ersseers, Plumbers, Levellers, Surveyor (Cossipore), Conservancy Inspector (Cossipore), Assistant Clerk of Works, Conservancy Inspector or Overseer, Inspector or Overseer.	110—5—135—6—165 ..	125—5—140—(E.B.)—6—200.
b Overseers, Goragacha Overseer, Nikashi Overseer, Bustee Cleansing Sub-Overseers.	60—4—80—5—110 ..	75—4—95—(E.B.)—5—125.
spector, Waterworks	60—4—80—5—110 ..	80—4—100—5—160.
ayer	40—50—4—70—5—150 ..	60—4—80—5—135—6—165—175.
aftsman	50—60—4—80—5—135—6—165.	60—4—80—5—135—6—165—175.
timator, Surveyor and Estimator ..	70—4—90—5—135—6—165—10—195.	125—5—140 (E.B.)—6—200.
aftsman (Chief Engineer's Office), Mechanical Draftsman (E.W.S.), Electrical Draftsman and Estimator.	165—10—215	180—10—250.
chitectural Draftsman	250—10—300	No change.
prentice Draftsman (C.E.'s Office) ..	30—1—40 ..	35—1—50.
sical Instructor, Play Director ..	50—2—70—4—90 ..	60—2—70—4—100.
nn Mistri, Machanic, Motor Mechanic ..	40—2—50—3—65 ..	45—2—55—3—70.
sargemen (Goragatcha)	110—5—165	125—5—140—(E.B.)—6—200.
Municipal Railway.		
gineering Overseer (Dhappa)	110—5—135—6—165 ..	125—5—140 (E.B.)—6—200.
ven Examiner	60—4—80—5—110 ..	No change.
rsonal to the present incumbent ..	60—4—80	60—4—100.)
ve Foreman	165—10—215	No change.
ver Guard	60—4—80	60—4—100.
rmanent Way Inspector	160—10—220 (E.B.)—10—300	No change.
ne Keeper	60—4—80	60—4—100.
rsonal to the present incumbent ..	60—3—75	60—3—90.)
ghment Recorder	35—2—45—3—60 ..	45—2—55—3—70.
atform Inspector	60—4—80—5—110 ..	No change.
rsonal to the present incumbent ..	50—2—60	60—2—80.)
Health Department.		
ead Assistant	215—10—265	250—10—300.
atistician	165—10—215	200—10—250.
ead Ambulance Driver	110—5—135—6—165 ..	No change.
her Ambulance Drivers	80—5—110	80—5—130.
sistant Analysts, Assistant Chemical Analysts, Assistant Bacteriologist, Pathologist.	100—150—10—350 ..	150—10—350.
alta Assistant Chemist	70—5—115—10—165 ..	80—5—125 (E. B.)—10—175.
aboratory Assistants	30—2—40	35—2—55.
ssistant Medical Officers	80—90—5—135 (E. B.)—6—165	100—5—150 (E. B.)—10—200.
ompounders (except Jogendra Homeo) ..	50—2—60	55—2—75.
essers, Dispenser, Compounder (Homeo Dispensary), Female Attendants.	30—2—40	35—2—55.
sistant Dresser, Drug Pounder, Register Writer.	18—1—25	25—1—35.

	Existing scale.	Revised scale.
	Rs.	Rs.
Lady Hakim	80—90—5—135 (E. B.)—6—165	No change.
Resident Medical Officer (Mansatala) ..	100—5—150—10—200 ..	Ditto.
Nurse (Mansatala), Nurse and Female Compounder.	65—5—90	Ditto.
Maternity and Child Welfare Work.		
Lady Health Visitors, Lady Doctor, R. G. O. (North Maternity Home).	160—10—220 (E. B.)—10—300	No change.
Part-time Resident Medical Officer ..	90	100.
Matron, Ward Sister	80—5—135	No change.
Nurse	50 (personal)	Ditto.
Nurses	65—5—90	Ditto.
Pupil Nurse	25 (allowance)	Ditto.
Milk Distributors	20 (allowance)	Ditto.
Maid Servants	5 (allowance)	Ditto.
Assistant (Pilgrim's Rest House, Kalighat) ..	50—2—60	55—2—75.
Entomologist	165—10—215	200—10—250.
Inspectors	80—90—5—135—6—165 ..	100—5—150—10—200.
Sanitary Officer (Cossipore)	200—10—350	No change.
Assistant Sanitary Officers, Food Inspectors ..	80—90—5—135—6—165 ..	100—5—150—10—200.
Disinfecting Inspectors	60—4—80—5—100 ..	70—4—90—5—110.
Bustee Cleansing Inspectors	50—2—60	55—2—75.
Supervisor, Dhubikhana	110—5—135—6—165 ..	100—5—150—10—200.
Superintendent (Tangra)	200—10—300	No change.
Inspectors	80—90—5—135—6—165 ..	100—5—150—10—200.
Veterinary Assistants	65—5—90	65—5—100.
Superintendent, Disinfecting Station ..	80—90—5—110	100—5—150—10—200.
Vaccinators, Female Vaccinators	60—4—80	60—4—100.
Sub-Registrars—		
(*i*) Burning Ghats	80—90—5—135—6—165 ..	100—5—150—10—200
(*ii*) Topsia Burial Ground ..		
(*iii*) Overseer and Sub-Registrar		
(*iv*) Hindu Burial Grounds ..	50—2—60—4—80 ..	60—4—100.
(*v*) Muhammadan Burial Ground		
Drainage and Water-Supply Pumping Stations.		
Superintendent	250—10—300	250—10—350.
Assistant Superintendent	215—10—265	200—10—300.
Shift Engineer	110—5—135—6—165—10—215	No change.
Chargeman, Electric Assistant	60—4—80 (E. B.)—5—110 ..	Ditto.
Switch Board Attendants (high tension) ..	50—3—65—5—90 ..	55—3—70—5—100.
Ditto (low tension)	35—2—55	40—2—60.
Engine Driver, Class I	60—4—80—5—110 ..	No change.
Ditto Class II	50—3—65—5—90 ..	55—3—70—5—100.
Ditto Class III	35—2—55	40—2—60.
Sub-Overseer	60—4—80—5—110 ..	75—4—95—5—125.
Electrician	50—3—65—5—90 ..	55—3—70—5—100.
Drainage Department.		
Sarcar	45—3—60	50—3—80.
Serang	60—4—80	60—4—100.
Engine Driver	60—3—75	60—3—90.
Computor	35—2—45	35—2—55.
Inspector (Sewer Cleansing), Checking Inspector, Driver.	30—1—40—2—50 ..	35—1—40—2—60.
Electricity Department.		
Mechanical Assistant	215—10—165	200—10—300.
Shift Engineer, Electrical Inspector ..	110—5—135—6—165—10—215	No change.
Shift Man	80—90—5—135	Ditto.
Switch Board Attendant	50—3—65—5—90 ..	55—3—70—5—100.
Junior Sub-Inspector	60—4—80—5—110 ..	No change.

Waterworks Department.

	Existing scale.	Revised scale.
	Rs.	Rs.
d Pipe Layer	160—10—220—10—300 ..	200—10—300 (E. B.)—10—350.
Layer	125—5—150 (E. B.)—10—200	No change.
k Maker, Workshop Store Keeper ..	60—4—80	60—4—100.
nd Hydrant Inspector, Chief Mechanic and ssistant Testing Officer.	60—4—80—5—110 ..	No change.

Water-supply to Shipping Department.

erintendent	215—10—265	200—10—300.
ner	80—90—5—135.	No change.
er	65—5—90	55—3—70—5—100.
er (Water Barge)	50—2—60—4—80 ..	No change.

Entally Workshops.

loor Foreman, Carpentry Shop Foreman ..	160—10—220 (E. B.)—10—300	No change.
man	300—10—400	Ditto.
e Keeper	50—60—4—80—5—135—6—165	60—4—80—5—150.
l Keeper, Electric Motor Driver	50—2—60—4—80 ..	55—2—65—4—85.

Asphaltum Department.

rgemen	60—4—80—5—110 ..	No change.
ine Driver	50—3—65—5—90 ..	55—3—70—5—100.
e and Tool Keeper	50—2—60—4—80 ..	55—2—65—4—85.

Building Department.

trict Building Surveyor, Encroachment Officer, Constructional Assistant, Insecure Building Surveyor.	160—10—220—10—300 ..	200—10—300 (E. B.)—10—350.
trict Building Inspector	110—5—135—6—165 ..	125—5—140 (E. B.)—6—200.

Commercial Museum and Publicity Section.

e Keeper	60—4—80—5—90 ..	60—4—80—5—100.
rpreter Agent	50—2—60—4—80 ..	55—2—65—4—85.
tor	165—10—215	200—10—250.
stant	80—90—5—135—6—165 ..	80—90—5—140—6—200.
rator	50—2—60—4—80 .. }	55—60—4—100.
er	50—3—80 .. .. }	

Printing Department.

man	165—10—265	200—10—300.
stant Foreman	80—90—5—135—6—165 ..	150—10—200.
Type Mechanic	80—5—145—10—185 ..	No change.
ion Holder	60—4—80—5—100 ..	Ditto.
Operator	80—5—145—10—185 ..	Ditto.
or Reader	150—10—200 ..	200—10—250.
or Reader, Reader	80—90—5—135	80—90—5—150.
tant Reader	60—4—80—5—110	60—4—80—5—110.
positor, Distributor	45—5—90	50—5—95.
s and Machineman	35—2—45—3—60 ..	40—2—50—3—65.
resent incumbents	35—5—65.)	
s Mechanic	50—2—60—3—75 ..	55—2—65—3—80.
resent incumbents	50—5—85.)	
nan, Proofman, Gallyman	25—1—30—2—40 ..	35—1—40—2—50
resent incumbents	26—3—50.)	
an	30—2—40—3—55 ..	35—2—45—3—60.
nt incumbents	35—3—62.)	

Treasurer's Department.

	Existing scale.	Revised scale.
	Rs.	Rs.
Assistant Treasurer	250—10—300	No change.
Bailiffs	50—2—70	55—60—2—80.
Bank Sarcars	60—4—80	60—4—100.
Cashier	50—60—4—80—5—135—6—165	60—4—80—5—150.

Stores Department.

Coal Supervisor	110—5—135—6—165—10—215	150—10—250.
Coal Inspector	50—2—70	55—2—75.
Assistant Store Keeper	50—60—4—80—5—135—6—165	60—4—80—5—150.
Store Keeper	165—10—215	150—10—250.
Pakur Sub-overseer	60—4—80—5—110 ..	75—4—95—5—125.

Surveyors' Department.

Surveyor	70—4—90—5—135—6—165 ..	125—5—140 (E.B.)—6—200.
Leveller	60—4—80—5—110 ..	75—4—95—5—125.
Surveyor and Valuer	70—4—90—5—135—6—165 ..	125—5—140 (E.B.)—6—200

Secretary's Department.

Assistant Reporter	250—10—300	250—10—350.
Telephone Operator	80—90—5—110	80—90—5—125.
Caretaker	110—5—135—6—165 ..	125—5—140—6—200
Librarian	165—10—215	150—10—250.
Keeper of Records	215—10—265	200—10—300.
Inspector of Theatres	110—5—135—6—165 ..	125—5—140—6—200.

Motor Vehicles Department.

Works Foreman, Assistant Works Foreman ..	160—10—220 (E.B.)—10—300	No change.
Senior Garage Foreman	110—5—135—6—165 ..	Ditto.
Garage Foreman (N. G. and C. G.), Garage Foreman (S. G.), Junior Garage Foreman (C. G.).	100—5—150	Ditto.
Tool and Time Keeper	50—2—60—4—80 ..	55—2—65—4—85.

Lighting Department.

Supervisor	160—10—220 (E.B.)—10—300	200—10—300 (E.B.)—10—350
Inspector (Electric Installation), Junior Inspector (Electric Installation), Inspector (Gas Installation), Inspector.	110—5—135—6—165 ...	125—5—140—6—200.
Junior Inspector, Sub-Inspector (Electric Installation), Sub-Inspector.	60—4—80—5—110 ...	75—4—95—5—125.
Foreman Mechanic, Foreman, Inspecting Sarcar, Pressure Recorder, Repairer, Latheman.	45—3—60. ...	50—3—65.
Clock Repairer	35—2—45—3—60 ...	40—2—50—3—65.
Armature Winder	60—4—80—5—90 ...	60—4—80—5—100.

Municipal Markets.

Superintendent (Entally, Lansdowne, Gariahat and Lake Road)	200—10—350	No change.
Superintendent (Park Circus), Checking Inspector, Sergeant.	165—10—265	150—10—300.
Supervisor (S. C. Allen Market)	110—5—135	110—5—150.
Checking Sub-Inspector	80—90—5—110 ...	80—90—5—125.
Sarcar	50—2—70—4—90 ...	55—60—2—80—4—100.

2. For fitting the employees into the new grades, ey should be given the stage in the proposed ale next above the pay they are now drawing, cluding the temporary special increase given on 1th August 1946. Where the existing pay to-ther with the special increases given on 14th ugust 1946 exceeds the maximum fixed for the roposed scale, the employee will draw the existing ay including the special increase as personal pay.

3. Dearness allowance will be paid at the following scale:—

Pay range.	Dearness allowance.
	Rs.
Up to Rs. 50	25
From Rs. 51 to Rs. 100 . ..	35
From Rs. 101 to Rs. 150	40
From Rs. 151 to Rs. 200 .. .	45
From Rs. 201 to Rs. 250 ..	50
From Rs. 251 to Rs. 300 .. .	60
From Rs. 301 to Rs. 400 .	70
From 401 to Rs. 2,000	17½ per cent.

4. (*a*) The claim for city or compensatory allowance is rejected.

(*b*) The claim for free quarters or house rent allowance is rejected for the present in view of the financial condition of the Corporation.

(*c*) Inspectors of the Collection Department and Licence Department are allowed conveyance allowance of Rs. 25 per month. Sarcars of the Licence Department are allowed a conveyance allowance of Rs. 10 per month. Menials in receipt of a cycle allowance of Rs. 5 or Rs. 10 per month will henceforth get a fixed conveyance allowance of Rs. 10 per month. The claim for conveyance allowance or higher conveyance allowance for other classes of workers is rejected.

(*d*) The claim for a duty allowance for Jamadars rejected as there is already a duty allowance and to them when they are regularly detained till ate hours.

(*e*) The claim for tiffin allowance is rejected.

(*f*) The claim for revision of the Overtime Pay Rules of the Corporation and the claim for night work allowance are rejected.

As regards the Loco running staff, however, the Corporation should adopt the Overtime Rules for Railways prescribed by the Government of India.

(*g*) The rule granting maternity leave to female workers should be revised, so as to provide for one month's leave with pay before and one month's leave with pay after delivery.

(*h*) The claim for uniform and washing allowance is rejected in view of the present financial condition of the Corporation.

5. (*a*) The claim for increasing casual leave to 15 days in a year where 10 days' casual leave is allowed, and the claim for allowing casual leave to workers are rejected.

(*b*) The labour staff should henceforth be allowed ick leave on half pay for 15 days in a year.

(*c*) The claim for additional privilege leave for labour staff and menial workers is not pressed and is rejected.

The claim that employees in inferior service should be given full pay during privilege leave, whether or not a substitute is appointed in their place, is rejected in view of the fact that the Corporation Leave Rules in this respect agree with the Government Leave Rules.

6. The claim that gratuity or special contribution to Contributory Provident Fund should be payable without the limit that the employees must complete 15 years' service is rejected. The rate of contribution to the Contributory Provident Fund in the case of labour staff is fixed at 6¼ per cent. of their pay. The claim for pension and insurance benefit is rejected.

7. The claim for Independence Day Bonus and Puja and *Id* Bonus is rejected.

8. The claim for additional medical facilities is rejected as the medical facilities provided by the Corporation are considered sufficient. It is recommended, however, that the Corporation should provide a dispensary at or near the Entally Workshop as soon as possible.

9. The claim that the supply of subsidised ration should be extended to Corporation employees drawing up to Rs. 100 per month is rejected. On the other hand, it is recommended that at Palta Pumping Station also the benefit of subsidised rations should be restricted to the unskilled labour staff drawing pay up to Rs. 35 only.

10. It is not considered necessary to give any direction on the Corporation as to the provision of Rest and Recreation Centres.

11. The claim for reducing working hours to 40 per week in the case of the Workshops is rejected. It is, however, directed that the system obtaining at the Motor Vehicles Department Workshop as to pay for 48 hours for 46 hours' work should be extended to the Entally Workshop also.

12. (*a*) In the case of first appointment, except in the case of labour staff and the technical staff, the candidate must be between 18 and 25 years of age. This, however, may be relaxed in the case of political sufferers and people now in temporary employment of the Corporation. In the case of teachers the existing age limit of 21 years may be retained.

(*b*) As to retiring age, the existing rules of the Corporation are retained.

(*c*) We direct that all new appointments should be made at the starting salary of each grade, except that in the case of technical posts an exception may be made to secure the services of a highly qualified candidate.

(*d*) The Corporation will prepare and maintain a panel of qualified persons in temporary service, department by department, and fill up permanent vacancies in each department from the panel of that department, on the recommendation of the head of the department. In the case of temporary employees not possessing the required minimum qualification, a general list should be made for absorbing them in suitable vacancies, if possible.

(*e*) In the matter of promotion, the rules adopted by the Corporation by the resolution, dated 9th January 1948, quoted in Appendix XIV of the Written Statement of the Corporation should be strictly followed. Promotion should be made on the basis of seniority plus efficiency.

(*f*) Regarding temporary employees, the Corporation should adopt a rule providing that temporary employees will be eligible to annual increments as in the case of permanent employees of the corresponding grade.

(*g*) 25 per cent. of the vacancies will be reserved for the children and dependants of the employees of the Corporation, provided such children and dependants possess the necessary minimum qualifications.

(*h*) Holding of double appointments under the Corporation should be discouraged. Duties of certain categories like Gas Lamp Lighters who have light work at present, should be revised so as to provide full-time work for all classes of employees. In special cases holding of double appointments under the Corporation may be permitted, but in each such case there should be express sanction of the Chief Engineer who should report each such case to the Chief Executive Officer, and further when the holding of double appointments is permitted the employee concerned will get only one dearness allowance, though he will draw the basic pay for both the jobs.

Permission to hold whole-time outside appointment should not be granted and where it is found that whole-time employment under any other employer has been taken by a Corporation employee, the dismissal of that employee from the Corporation service should be the normal rule.

13. The Corporation having agreed to giv proper compensation to employees who were phys cally injured during the last communal riots an to families of Corporation employees who died a a result of the last communal riots, it is directe that applications for such compensation should b made by the employees or the families of th employees to the Corporation authorities fo necessary action.

Application of the award.

The award in respect of dearness allowance will come into force from 1st April 1948. The other portions of the award will come into force from 1st July 1948 or any other date prescribed by the Government.

S. K. SEN,
Chairman

P. K. SARKAR,
Member.

P. R. MUKHERJI,
Member.

The 19th June 1948.

By order of the Governor,
D. S. P. MUKHERJEE,
Jt. Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal
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The Calcutta Gazette

Extraordinary

Published by Authority

FRIDAY, JULY 23, 1948

PART I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

No. 963A.R.—23rd July 1948.—The following is published for general information :—

"West Bengal Legislative Assembly.

West Dinajpur-cum-Malda (Rural) General Constituency.

Under the provision of sub-rule (2) of rule 12 of the West Bengal Legislative Assembly Elections (Conduct of Elections) Rules, 1947, I declare that

(1) Barman, Syam Prosad, of post office Raiganj (West Dinajpur),

(2) Barma, Sarat Chandra, of post office a village Patiram, police-station Balurg district West Dinajpur,

have been duly elected as candidates for the vac seat reserved for the members of the Scheduled Castes in the West Dinajpur-*cum*-Malda (Rur General Constituency of the West Bengal Legislative Assembly.

Jalpaiguri, N. GHOSH,
The 21st July 1948. for *Returning Officer*

By order of the Governor,
M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Beng

Political.

NOTIFICATION.

No. 5264P.—23rd July 1948.—In exercise the powers conferred by sub-section (7) of sect 17A of the Indian Criminal Law Amendment A 1908 (XIV of 1908), the Governor is hereby pleas to direct that the notification No. 1759B.P., dat the 25th March 1948, in so far as it relates suite No. 11 of premises No. 77, Dharamtoll Street, Calcutta, shall be cancelled.

By order of the Governor,
R. GUPTA,
Secy. to the Govt. of West Beng

Printed and published by the Superintendent, Govt. Ptg., West at West Bengal Govt. Press, Alipore, on the 23rd July 19

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SATURDAY, JULY 24, 1948.

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT
RECEIVED
ON:- 2 3 JUL 1948
File No.....
Diary No.....

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF COMMERCE, LABOUR AND INDUSTRIES.

Labour.

ORDER.

No. 2466Lab.—21st July 1948.—Whereas under he Government of West Bengal, Commerce, abour and Industries Department, order No. 941-ab dated the 30th March 1948, the industrial lispute between F. N. Gupta & Company, 12, Beliaghata Road, Calcutta, and its employees as epresented by F. N. Gupta Workers' Union, 11, Beliaghata Road, post office Tangra, Calcutta, was eferred for adjudication to Sri N. C. Chakraborty, Additional District Judge;

And whereas the said Sri N. C. Chakraborty, Additional District Judge, has given the award as hown in the annexure hereto;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 15 read with ub-section (3) of section 19 of the Industrial Disputes Act, 1947 (XIV of 1947), the Governor s pleased to make the following order and to direct with reference to section 17 of the said Act that the award be published in the *Calcutta Gazette*.

The award made by the said Sri N. C. Chakraborty, Additional District Judge, shall bind the Company and their workmen aforesaid as specified herein and shall remain in force for a period of one year with effect from the date of its publication

ANNEXURE.

AWARD.

This industrial dispute between F. N. Gupta & Company, 12, Beliaghata Road, Calcutta, and its employees as represented by F. N. Gupta Workers' Union, 95/4/1, Narikeldanga Main Road, Calcutta, has been referred by Government order No. 941-Lab., dated 30th March 1948, to me for adjudication under the Industrial Disputes Act, 1947.

2. Sri S. Roy, Counsel, instructed by Messrs. K. K. Dutta & Co., Solicitors, appeared for the Company and Sri Dwijendra Lal Sen Gupta, Pleader, appeared for the Union.

3. The Company manufactures pen-holders, nibs, fountain pens, pencils, etc., and employs about 160 workers. The workers had grievances in respect of wages and other conditions of service. For the purpose of securing better terms of service the workers formed themselves into a Union on the 31st August 1947. On the 31st October 1947 the Union submitted a Charter of Demands to the Company. The demands did not receive favourable consideration from the Company. Between 29th December 1947 and 18th February 1948 steps were taken by the Labour Commissioner for conciliation. The conciliation proceedings having failed the present reference was made.

4. The following issues indicate the details of the disputes as they appear in the written statement filed by the Union:—

(1) Recognition of the Union.

(2) Security of service.

(3) Minimum basic wages.

(4) Dearness allowance and city allowance.

(5) Grades above minimum basic wages.

(6) Bonus.

(7) Gratuity, pension and provident fund.

(8) Leave and holidays.

(9) Free uniform.

(10) Medical aid.

(11) Housing accommodation or house rent allowance.

(12) Rest and recreation centre.

(13) Free tiffin.

(14) Standing Orders.

(15) Wages to be paid at the end of the month.

(16) Compensation during involuntary unemployment.

(17) Reinstatement of the discharged workmen:—

(*a*) Sankar Routh.

(*b*) Gangadhar Ghosh.

(*c*) Niranjan Chakrabarti.

(*d*) Bholanath Ghosh.

Issues Nos. (5) Grades above minimum basic wages—(9) Free uniform—(11) Housing accommodation or house rent allowance—(12) Rest and recreation centre—(13) Free tiffin—(14) Standing Orders—(15) Wages to be paid at the end of the month.

On these issues the contention of the Company was that no such disputes had been referred to the Tribunal by the present reference. The Company referred me to the charter of demands, dated 31st October 1947, Ext. A, which contained some only of the present demands in dispute. The conciliation proceedings were based on this charter of demands. There is no indication in the evidence that on the date of the present reference there was any other demand, not included in the charter of demands, which was the subject matter of dispute. In the circumstances, I must hold that there was no dispute on the subject of the present issues on the date of reference. It is not open to the workers after reference of the disputes to the Adjudicator to widen the scope of the demands or to alter their nature. Issacs J, in King *vs. Ex parte* Whyprow and Company and others reported in 11 (Australian) Commonwealth Law Reports (1910-11), page 1 at page 61, dealing with this subject had expressed himself as below:—

> "There is nothing in the world to prevent employers and employees from making their respective demands as wide as they please; but when they choose to select one particular limited demand as the subject or point of dispute, and refer that to the Court, then that is what the Court has to decide. It may be anything between the maximum and the minimum limits of the dispute, but it can pass neither further forward than the maximum, nor further back than the minimum."

It is clear therefore that the charter of demands must for the purpose of the present adjudication be the maximum limit of the dispute further forward than which the Adjudicator has no jurisdiction to go. For the Union it was argued that to avoid multiplicity of proceedings and that in so far as the workers had grievances more than what appeared from the charter of demands, it was expedient that the Adjudicator should go further forward and decide the points though not covered by the present reference. The jurisdiction to be exercised by the Adjudicator is limited by the points of dispute as existing on the date of reference. Therefore no amount of expediency will vest the Tribunal with the jurisdiction to adjudicate on disputes not referred to it. My award is therefore that on the present issues there cannot be any adjudication on the present reference.

Issue No. (1)—Recognition of the Union.

6. The Union claims that it is representative of the workers. The Company doubts its representative character and is not agreeable, for that reason, to recognise the present Union. The dispute is not however "an industrial dispute" within the meaning of the term as defined in the Industrial Disputes Act, 1947. Investigation into the subject and adjudication of the dispute can be made only by a Labour Court under the procedure laid down in the amended Trade Unions Act. My award therefore is that this Tribunal cannot adjudicate on this issue.

Issue No. (2)—Security of service.

7. The present claim of the Union on this issue runs into five heads. They are—

(1) Confirmation after three months' service;

(2) Procedure for punishment by dischar dismissal and retrenchment;

(3) Filling up of vacancies;

(4) Retrenchment; and

(5) Transfer of the workers from one job another.

In the charter of demands, dated 31st October 19 already referred to, the claim on this subject limited to merely a demand for confirmation completion of one year's service. None of other 4 points were mentioned in it. For reason the Company contended that the U should not be permitted to increase its demand to alter the nature of the dispute at this stage. must uphold the contention of the Company reasons already advanced in deciding issues Nos 9, 11 to 15. The dispute under this issue m therefore be limited to the original demand confirmation after one year's service. The C pany offered to confirm a workman after two y on his rendering efficient and satisfactory serv The Union objected to the imposition of efficiency test. I consider however that efficie test is imperative. My award is that a worki will be entitled to confirmation, if found effici after a minimum of one year's service.

Issues Nos. (3)—Minimum basic wages, (4 Dearness allowance and city allowance, (6 Bonus, (7)—Gratuity, pension and provid fund.

8. The Union demanded that the workers sho be classified into three categories, unskil semi-skilled and skilled. The minimum wa demanded were Rs. 40 for the unskilled, Rs 60 the semi-skilled, and Rs. 80 for the skilled Th was also a demand for grades above the minimu At present there is no classification of the worl into unskilled, semi-skilled or skilled. By far largest number of workers are receiving a minimu basic wage of less than Rs. 25. With regard dearness allowance the claim of the Union was t it should be 60 per cent. of the basic wages sub to a minimum of Rs. 40 per month In charter of demands, the claim with regard minimum basic wages was for Rs. 30 per mo with a demand for adjustment above the minimu Dearness allowance was claimed at Rs 25 month. There was no claim for city allowa made. There was also no claim for grades. W regard to bonus the present claim is for a equivalent to three months' wages. This was a the claim made in the charter of demands In charter of demands there was no claim made gratuity and pension. For the reasons alre advanced in deciding issues Nos. 5, 9 and 11 to I limit the disputes on the present issues to claims as made in the charter of demands.

9. On behalf of the Union I was referred to 1943 Famine Commission Report and to the He Survey and Development (Bhore) Commi Report on the dietary standards considered to ideal for working class people. I was also refer to the Pay Commission Report which has fi Rs. 30 as the minimum basic wage for unski workmen. Pay Commission's approach to subject of fixing the minimum basic wage for unskilled workmen has been considered, for cert reasons, to be beyond reasonable challenge. Wh an industry is capable of paying the minim wages at the rate recommended by the Pay C mission, I should also consider that there are arguments available in favour of fixing minimum wages below that rate. In such circumstance the employer has the obligation pay minimum basic wage at that rate. In present case the Company has taken the plea it is unable to pay the workmen minimum w

. Rs. 20 per month. Looking to the obliga- that the Company has to its workmen the plea requires a very strict scrutiny. If after such utiny it transpires that the Company is really le to pay minimum wages to the workmen to them above the poverty line as recommended e Pay Commission, a problem will arise which ts complications may well be baffling. It was nded on behalf of the Union that a Company h could not pay the minimum wages as nded had no right to exist. Looking to the of an adjudication proceeding over an strial dispute, an Adjudicator can have no t to say that the Company should be closed n To say so would be to go against the lamentals; because there cannot be an industrial ute unless the Company exists and is permitted ontinue. The workmen have come to me for er terms of employment and for better condi- s of labour while remaining in employment. nnot issue directions that the Company should losed down and the workmen should be un- loyed.

). In the year 1945-46 the Company had ed high profits. In the year 1946-47 also the fits were fairly high. In the year 1947-48, ording to the Company, it has incurred a loss bout Rs. 50,000. In tracing its history the pany, in its written statement, stated that it established in the year 1905 by late Fanindra h Gooptu, an ardent supporter of the Swadeshi vement. At the initial stage the business was l to have suffered enormous losses due to foreign petition. In so far as the Company had as its eme not money making but establishment of an ustrial organisation first of its kind in India ned, organised, managed and worked by Indians, losses were said to have been suffered un- dgingly till the year 1914. During the first orld War, 1914-18, the Company was said to have the first time earned profits. The profits were d to have been utilised mainly in enlarging the siness and in improving the lot of the workers. ere was said to have again set a depression from 29 to 1939 during which period the Company met ith heavy losses and it had to be run by the oprietor with advances made by him personally with borrowed money. During the World War o II and in 1940-46 in particular, the Company hattedly made large profits. With these profits e debts of the Company were alleged to have en repaid. In 1935 the late Fanindra Nath ooptu died and the business was inherited by his our sons and was being run on a partnership basis. he case of the Company was that owing to hrinkage of Government orders after the World War II and competition from imported goods, particularly those imported from U.S.A., the rticles produced by the Company have no ready market As a result it was alleged by the Company that it suffered a loss of about Rs. 50,000 in 1947-48. The Company apprehended further losses during the present financial year. The Company roduced its balance-sheet prepared by Messrs. & Ray, Chartered Accountants, for the year 47-48. I was requested to keep the contents fidential except to the extent to which the mpany had to refer while placing its case during hearing I was referred to the balance-sheet show a loss of about Rs. 50,000 in the year 47-48. On behalf of the Union, the balance-sheet as challenged on the ground that it was a strange ent that after years of lage profits the Company ad incurred a loss in exactly the same year when is Tribunal was in session. To meet this spicion the Company produced its accounts for spection by the Union representatives. The nion representatives did not inspect the accounts ing that they had neither the time nor the quisite knowledge in account keeping. I should y that it was unfortunate that the Union presentatives took that view. An inspection of accounts might have satisfied them that the Company's version was true or might have also disclosed that it was untrue. In the latter event the version of the workmen would have received the strongest possible support even from Company's accounts. In the circumstances I am compelled to rely upon the audited balance sheet as filed before me. Looking to the losses incurred in 1947-48 one must say that the Company is just passing through a depression. The Company hoped that it would be able to overcome it as they expected larger Government orders this year The Company however lodged a complaint that the workers had adopted "go slow" tactics which were preventing it from producing goods at a reasonable price as to be able to compete with the imported articles. As to what Government orders the Company expected, it was not in a position at the moment to anticipate. But it was hopeful of securing substantial orders to bring in a fair profit. The Company urged that till the Government orders were secured and the profits therefrom were earned the workmen might have more patience because the exact nature of the benefits that the Company might be in a position to confer on the workmen out of the expected profits was incapable of calculation in terms of money so much in advance. The Company expected however that it would be able to undertake a further obligation of Rs. 12,000 per year as the increased wage burden on the basis of the expected profits. This would give to the workmen a flat rate increment of Rs. 5 per month per head in wages and a sum of Rs. 20 as dearness allowance at a flat rate up to the salary of Rs. 100. Above the wage of Rs. 100 the Company offered to pay 20 per cent. of pay as dearness allowance. On the subject of bonus the Company stated that in 1944-45 it had paid bonus equivalent to 3 months' pay, and in 1945-46 and 1946-47 it had paid bonus at 2 months' pay. For 1947-48, in spite of losses, it had paid bonus equivalent to 1½ months' pay just to purchase industrial peace. The Company offered to pay bonus as additional remuneration but it contested the claim of the Union that bonus must be paid irrespective of any profit made. The Company maintained that bonus as additional remuneration must be linked with profits. The offer was not acceptable to the Union. The offer made by the Company at the present day cost of living is certainly low and the Company also admitted this but it was not in a position to offer any better terms. The Union representatives to whom the audited balance sheet was shown could not point out any source from which money was available to meet the demands of the workers. Though the partners have invested a large amount as capital they have drawn the four together, a sum of Rs. 2,300 only as allowance in 1947-48. Of the four partners two work in the Company wholetime by rotation. This works out at less than Rs. 50 per month for each partner It cannot therefore be said that the partners had appropriated to themselves a larger sum than what they could fairly claim as compared with the claims of the workmen. A dispute over pay and allowance is really on the subject of distribution of the income of the Company. To this income, the capital, the management and the workmen have all contributed. All that can be done to satisfy the workmen is to assure to them a fair share of the income. There was no complaint that the low income of the Company was due to inefficient management. On the other hand the Company had the grievance against the workmen that they were going slow with the result that goods were being produced at a cost for which there were no large buyers at present available owing to cheaper imported goods. Why goods cannot be produced at a fair price is a question which ought to agitate not only the employers but also the minds of the workmen. An industry is a social institution. The employers and the employees are immediately affected by it. But the community, in which are included the consumers, has also an equal interest in the industry. It has a right to receive goods at fair prices. It has a

right to resist anything that goes unfairly to inflate the price. The employer cannot expect to make a profit beyond reasonable limits by charging unfairly high prices for its goods. The workmen also have no right to remain unproductive to the extent of producing goods at an unreasonably high price. Industrial peace can best be attained by an adjustment of the just rights of the employers, employees and of the community. Where the workmen cannot produce goods at a reasonable price so as to bring in a sufficient income to pay them fairly they have no just right still to demand higher remuneration in spite of their unproductivity. They cannot be paid at a fixed rate unrelated to their production either from subsidy from Proprietor's personal money or by burdening the consumers with high prices. As I have already said what can be distributed amongst the employers and the employees is the income of the Company. In the present case it appears that owing to losses there is no income which can be distributed to increase the wages of the workmen at the present moment. During the hearing the Company cited an instance as to how the workers were going slow. Penholders are being punched at present at the rate of 30 to 35 grosses a day. A son of one of the Proprietors, to ascertain how this particular work may be speeded up, is said to have finished at the rate of 90 grosses per day. The Proprietors demanded that production should be speeded up and 90 grosses per day should be aimed at. There was a stir among the workmen over this and the Secretary of the Workers' Union is said to have tried his hands and to have finished at the rate of 48 grosses per day. The son of the Proprietor and the Secretary of the Workers' Union were both new to the job. Therefore one may reasonably expect that workmen, who are for many years at the job and have educated themselves properly for it, will be able easily to reach a standard much higher than the existing. If the workers can reach that standard of production, the goods produced by this Company have a very fair chance of competing in the open market with the imported goods. After the above disclosure the proprietors pressed for speeding up production and the workers in reply have lodged a complaint against them saying that there was an attempt at altering the condition of service during the continuance of the Tribunal proceeding. I should consider that this was unfortunate even after the demonstration by the Secretary of the Workers' Union doing the job himself. It is to the interest of both the employers and the employees to see how by their combined efforts better income may be fetched by the Industry. If they can by such combined efforts increase the income of the Company, the employers ought not to have any difficulty to satisfy the just demands of the workmen. To do this the employers gave an assurance during the trial and made a further proposal. The proposal, in its broad outlines, was that a minimum rate of profits should be reserved for the capital invested. The Company claimed that 8 to 10 per cent. was a fair rate of profits. For the two partners who work wholetime by rotation, the Company suggested a sum of Rs. 500 per month each as salary. After having reserved out of the profits a sum sufficient to cover payment on these two heads, the Company offered to pay to the workmen a remuneration to be fixed as fair by the Tribunal. If there would remain a surplus, the Company offered to pay bonus up to a maximm of 3 months' basic wages. This proposal can be brought into operation only if the employers and the employees combine to make the Company earn profits. At present the Company is being run at a loss. Therefore, till the time the profits are expected I have got to make an *ad interim* arrangement. On the expected Government orders the Company has offered a flat rate increment of Rs. 5 per month in the basic wages. I expect that the workers will now appreciate that their future is at their hands and that they will speed up production to bring in further profits. With that expe tion I feel justified in giving to the workme flat increase of Rs. 10 per month over existing basic wages. For the present the dear allowance shall be at Rs. 20 up to a salary Rs. 100. Above Rs. 100, it shall be at 20 cent. of the pay. I do not consider that at present the Company can be burdened wit heavier wage bill.

11. If the workmen line up with the Propriet in their efforts to speed up production and br in the expected profits, it will be possible for th to earn additional remuneration payable within year from now. Out of the profits earned direct that 6 per cent. should be reserved dividend on the capital invested. The t partners shall receive Rs. 500 per month each salary. I was told that the Income-tax Depa ment allowed rebate at that rate. Out of w remains after making the above payments all workmen shall be paid a flat rate increase of Rs per month to make up the minimum basic w of Rs. 30 per month. This will also maintain differentials in the wages as at present materials were placed before me for categorising workmen into unskilled, semi-skilled and skil groups. I cannot therefore at the moment gra them according to skill. It is therefore necess to maintain the existing differences in so far there was no complaint that the existing differ tials were not established by mutual and natu adjustment of demand and supply. Dearn allowance shall be increased from Rs. 20 to Rs If the profits are found to be insufficient to co payment of basic wages and dearness allowance recommended above, the basic wages and the de ness allowance shall be increased rateably as as the profits permit. If however on payment basic wages and dearness allowance as above th remains a balance, it shall be utilised in payme of bonus which shall be three months' basic wa as the maximum. If there shall remain a surpl the Company shall contribute at the rate of 6¼ cent. of the basic wage towards a Provident Fu to which the employees shall also contribute equal sum monthly. If there would still rem a surplus out of the profits, that shall be utili in creating a Reserve Fund. I was satisfied th the Company was sincere in advancing the sche above. I shall be glad if the workmen w appreciate that the scheme offers to them a favo able prospect. It all depends how by their labo they earn higher remuneration and satisfy th needs. This is my award on these issues 3, 4, 6 a 7.

Issue No. 8—Leave and holidays.

12. On this head the demand of the Union w that the workmen should get privilege leave f one month with pay, casual leave for 15 days wi pay, festive holidays for 15 days with pay a sick leave for one month with pay and next t months with half pay. The Union claimed furth that leave and holidays should be allowed accumulate for three years. The present dema is much in excess of that made in the charter demands. At present the Company allows days' leave inclusive of festive hondays h exclusive of 10 days' statutory leave under t Factories Act. The Company was unwilling offer better leave terms. This industry at pres stands in the need of speeding up of productio Therefore I do not consider that the number leave and holidays should be increased at t moment, The employees are now entitled to days' leave and holidays excluding 52 Sunday This does not appear to me to be unfair I dir therefore that leave and holidays as at prese shall continue to be granted.

13. At the hearing the Union raised a ma against the practice followed by the Compan calculating monthly wages, and deduction

absence without leave. The point was not raised as a dispute in the charter of demands. It does not therefore come up for adjudication. I have heard the parties and I am satisfied that the practice is not prejudicial to the interests of the workmen whereas it serves the Company well in certain respects. The Company will be well advised to explain the implications involved in the practice to the workmen and if necessary shall issue a wage bill to the workmen to explain the deductions and the deductions made. These are my suggestions.

Issue No. (10)—Medical aid.

14. The claim of the Union in the written statement is that there should be appointed a competent registered medical man in charge of a well furnished dispensary. Supply of medicine should be free and the workers suffering from illness should be supplied with free medical aid. In the charter of demands the claim on this subject was limited to establishment of a well-equipped dispensary. There are about 160 workmen employed in the Company. There is a First Aid Centre for surgical and medical aid under a person trained in first aid. One of the partners Dr. A. P. Gooptu is a medical man and he looks after the employees when sick. Serious cases are sent to hospitals and treated at Company's expense. Dr. A. P. Gooptu attend not only to the workers but also to their relations. I consider that the existing arrangements are quite satisfactory. This is my award this issue.

Issue No. (16)—Compensation during involuntary unemployment.

15. The claim of the Union was that for involuntary unemployment they should be paid 50 per cent. of the basic wages and full dearness allowance. The Company was unable to agree to this on the ground that the employees were daily rated workers and the Company contended further that at the highest the workers could demand only reasonable compensation. It appears that the workers are mostly permanent employees who are paid on the monthly basis. In case of involuntary unemployment arising out of circumstances beyond the control of the employers, the contract for service either becomes void or voidable at the instance of either party. Where a contract becomes void no question of compensation arises and the contract for service is terminated automatically. Where the contract becomes voidable the employer or the employee may terminate the contract for service on notice. Notice must be according to the law. In lieu of notice the wages for notice period may be paid by the employer. In case however where the employer wants to retain the services of the employee and the employee is also agreeable to continue, unless they adjust otherwise, the employee is entitled to full payment of wages with dearness allowance irrespective of the fact whether the employer is or is not able to supply him with work. I was told that there was no specific instance of involuntary unemployment and that the dispute was raised on a question of principle. Therefore nothing more is required in my award to be said except laying down the legal principle as above. It shall control the relations between the employer and the employees in future. This is my award.

Issue No. (17)—Reinstatement of dischargod workmen.

(*a*) Sankar Routh.
(*b*) Gangadhar Ghosh.
(*c*) Niranjan Chakrabarti.
(*d*) Bholanath Ghosh.

16. There is nothing in the Industrial Disputes Act, 1947, which abrogates the normal right of the employer to dispense with the services of an employee on proper notice and/or on proper cause. Therefore, the investigation into the specific cases for reinstatement must be limited to the ascertainment of the causes of dismissal. Sankar Routh and Gangadhar Ghosh were discharged because they were suspected to have contracted venereal disease. They had bubo. One of them was found to limp when he appeared before me. The Company stated that they were discharged in the interest of the health of the other employees and that it had no objection to take these two men in again if Dr. A. P. Gooptu, one of the partners, is satisfied that they are free from any infection now. The Union however demanded that the workmen should be free to bring in a certificate of good health from any medical practitioner and that they should be paid the wages for the period of their unemployment. I consider that the point involved equally affects the employers and the employees and the Union should have agreed with the partners to a strict and thorough examination of these two workmen in the larger interests of the other employees. Therefore I direct that these two men shall be taken in provided Dr. A. P. Gooptu is satisfied that they are free from any infection now. For the period of their unemployment, in the circumstances of their cases, they are not entitled to wages. Niranjan Chakrabarty was absent before me. I am therefore not in a position to ascertain whether he was discharged on an improper cause. In the circumstances his reinstatement cannot be directed. Bholanath Ghosh was discharged, according to the Company, because of his habitual absence during work and of his insubordination and insolence. The Union examined Bholanath Ghosh and the Company examined one of the partners, R. P. Gooptu. There was oath against oath. Bholanath Ghosh had to admit in cross-examination that on many occasions he was warned and had lost a part of pay on the charge that he was absent from work and was found sleeping then. I am not in doubt therefore that R. P. Gooptu is a reliable witness as to the grounds on which Bholanath has been discharged. Bholanath is the son of the motor driver of one of the partners who was a very faithful servant. The partners, for this reason have apparently a soft corner for Bholanath. I am satisfied that the partners carried on with Bholanath as long as possible in spite of the complaints against him of neglect of duty, insubordination and insolence, and had discharged him only when they found that it was impossible to carry on with him any longer. I am satisfied also that Bholanath was not discharged for his alleged trade Union activities. Therefore there is no case made out for directing reinstatement of Bholanath. This is my award on this issue.

N. C. CHAKRABORTY,
Tribunal, Industrial Disputes

The 25th June 1948.

By order of the Governor,
D. S. P. MUKHERJEE,
Jt. Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Government Printing, West Bengal,
at West Bengal Government Press, Alipore, on the 24th July 1948.

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The Calcutta Gazette

Extraordinary

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SATURDAY, JULY 24, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

ORDERS.

No. 686Pr.—24th July 1948.—Whereas the Pakistan Times", an English daily newspaper, ited by Faiz Ahmad Faiz and printed and blished in the Press of the Civil and Military azette, Ltd., Lahore, by Amir Hussain Shah, ntained two reports entitled "Kashmir battle aching decisive stage" and "Come forward to lp Kashmir and Palestine", in its issue, dated e 24th June 1948, which in the opinion of the ovincial Government are likely to endanger mmunal harmony and the safety and stability of e Province of West Bengal;

Now, therefore, in exercise of the power conrred by clause (*d*) of sub-section (*1*) of section 8 the West Bengal Security Act, 1948 (West engal Act III of 1948), the Governor is pleased prohibit the publication, sale or distribution of said issue of the newspaper, of any extract erefrom or of any translation thereof, including publication, sale or distribution of any subquent issue thereof, in West Bengal.

No. 688Pr.—24th July 1948.—Whereas the "Hyderabad", an English weekly newspaper, bearing Nizam's Government Registration No. 331, contained three reports entitled "Protest at border attacks", "Border attacks on Hyderabad, four raids in three weeks on one village" and "More attacks on travellers, railway outrages in the Indian Union" in its issue, dated 15th June 1948, which in the opinion of the Provincial Government are likely to endanger communal harmony and the safety and stability of the Province of West Bengal;

Now, therefore, in exercise of the power conferred by clause (*d*) of sub-section (*1*) of section 8 of the West Bengal Security Act, 1948 (West Bengal Act III of 1948), the Governor is pleased to prohibit the publication, sale or distribution of the said issue of the newspaper, of any extract therefrom or of any translation thereof, including the publication, sale or distribution of any subsequent issue thereof, in West Bengal.

By order of the Governor,

R. GUPTA,

Secy. to the Govt. of West Bengal.

JUDICIAL DEPARTMENT.

Judicial.

NOTIFICATIONS.

No. 3701J.—23rd July 1948.—In exercise of the power conferred by clause (*b*) of section 2 of the West Bengal Special Benches (Continuance) Act, 1948 (West Bengal Act IV of 1948), read with sub-sections (*1*) and (*2*) of section 3 of the Bengal Criminal Law Amendment Ordinance, 1947 (Bengal Ordinance I of 1947), the Governor is pleased—

(*a*) to reconstitute for the Presidency town of Calcutta a Special Bench of Judges for the disposal, in accordance with the provisions of the said Ordinance, of the cases which having been allotted to the Special Bench constituted thereunder were pending before it on the 16th March 1948, consisting of—

(*i*) Sri Ashutosh Das Gupta,

(*ii*) Sri Sailesh Chandra Chakravarty,

who are hereby appointed to be Judges of the said Special Bench, and

(*b*) to designate Sri Ashutosh Das Gupta as the Senior Judge of the said Special Bench.

This Special Bench will sit at Alipore.

No. 3702J.—23rd July 1948.—In exercise of the power conferred by clause (*b*) of section 2 of the West Bengal Special Benches (Continuance) Act, 1948 (West Bengal Act IV of 1948), read with sub-sections (*1*) and (*2*) of section 3 of the Bengal Criminal Law Amendment Ordinance, 1947 (Bengal Ordinance I of 1947), the Governor is pleased—

(*a*) to reconstitute for the district of the 24-Parganas a Special Bench of Judges for the disposal in accordance with the provisions of the said Ordinance, of the cases which having been allotted to the Bench constituted thereunder were pending before it on the 16th March 1948, consisting of—

(*i*) Sri Ashutosh Das Gupta,

(*ii*) Sri Sailesh Chandra Chakravarty,

who are hereby appointed to be Judges of the said Special Bench, and

(*b*) to designate Sri Ashutosh Das Gupta as the Senior Judge of the said Special Bench.

This Special Bench will sit at Alipore.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal

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[I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Political.

NOTIFICATION.

No. 5409P.—27th July 1948.—Whereas for the maintenance of the public peace in and around Dalhousie Square, bounded on the north by Dalhousie Square North, west by Netaji Subhas Road, south by Dalhousie Square South and east by Dalhousie Square East, within the jurisdiction of Hare Street police-station, in the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, the Commissioner of Police, Calcutta, issued an order, dated the 27th of May 1948, under section 144 of the Code of Criminal Procedure, 1898 (Act

V of 1898), prohibiting, until further orders, an assembly of five or more persons within the said area or carrying of *lathis* or other dangerous weapons or any act which is likely to cause a breach of peace in the said area;

And whereas it appears to the Provincial Government that for the maintenance of public peace which is likely to be disturbed by riots or affrays it is necessary to continue the said order;

Now, therefore, in exercise of the power conferred by sub-section (*6*) of section 144 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Governor is pleased to direct that the said order dated the 27th May 1948, which is due to expire on the 27th July 1948, shall remain in force for a further period of two months with effect from the 27th July 1948.

By order of the Governor

R. GUPTA,

Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Printing W Bengal, at West Bengal Govt. Press, Alipore, on the 28th July 1

The

Calcutta Gazette

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MONDAY, AUGUST 2, 1948

I—Orders and Notifications by the Governor ... engal, the High Court, Government Treasury, e...

GOVERNMENT OF WEST BENGAL

ST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT.

NOTIFICATION.

No. 1495L.A.—2nd August, 1948.—Whereas a ancy has occurred in the Constituent Assembly India by reason of the resignation of Sri fulla Chandra Sen, a member elected to the Assembly by the General Part of the West gal Legislative Assembly;

nd whereas the Hon'ble Speaker of the West gal Legislative Assembly has been requested the Hon'ble President of the Constituent embly for the election of a person for the pose of filling the vacancy;

ow, therefore, in exercise of the power con- ed by sub-rule (6) of rule 5 of the Constituent embly Rules, the Hon'ble Speaker of the West gal Legislative Assembly has been pleased to

appoint the following dates for the doing of in connection with the election for the purpos filling that vacancy mentioned respecti opposite each such date:—

Date on or before which nominations of ca dates are to be made—The 9th August, 19 up to 3 p.m.

Date on which the scrutiny of nominations i be made—The 10th August, 1948, at noon.

Date on or before which candidatures may withdrawn—The 11th August, 1948, up 11 a.m.

Date on which a poll shall, if necessary, taken—The 20th August, 1948.

Note.—The hours for polling and the place which the poll shall be taken are specified in 1st and 2nd columns of the Schedule below:—

The Schedule.

Hours for polling.		
Hour at which poll shall commence.	Hour at which poll shall close.	Place for polling
1		2
11 a.m.	1 p.m.	Legislative Cham in the Le Building Calcu (excluding the l bies surroundi the said Chambe

By order of the Speaker,
A. R. MUKHERJEA
Returning Officer and Secretary to the West Bengal Legislative Assemb

Printed and published by the Superintendent, Govt Printing Bengal, at West Bengal Govt. Press, Alipore, on the 2nd Augus

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT
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TUESDAY AUGUST 3, 1948

PART I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

ORDER.

752Pr.—3rd August 1948.—Whereas the ...a-I-Pakistan", a weekly newspaper in Urdu, ...d by Hakim Khursid Hasan Khursid, printed ...e Makbul Aam Press by Haji Barkat Ali and ...shed by him from the office of the said news- ... situated outside Mochi Darwaja, Lahore, ...med comments relating to Hyderabad and ...mir in its issue, dated the 4th July 1948, ...n the opinion of the Provincial Government ...kely to endanger communal harmony and the ... and stability of the Province of West ...al·

Now, therefore, in exercise of the power conferred by clause (*d*) of sub-section (*1*) of section 8 of the West Bengal Security Act, 1948 (West Bengal Act III of 1948), the Governor is pleased to prohibit the publication, sale or distribution of the said issue of the newspaper, of any extract therefrom, or of any translation thereof, including the publication, sale or distribution of any subsequent issue thereof, in West Bengal.

By order of the Governor,

R. GUPTA,

Secy. to the Govt. of West Bengal

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LIBRARY OF THE BENGAL LEGISLATURE CALCUTTA.

PART IIIA—Ordinances promulgated by the Governor of West Bengal under the Government of India Act, 1935.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

West Bengal Ordinance No. IX of 1948

THE WEST BENGAL CEMENT CONTROL ORDINANCE, 1948.

WHEREAS the Governor of West Bengal is satisfied that it is urgently necessary in the public interest to confer powers to control the production, supply and distribution of, and trade and commerce in, cement in West Bengal and that immediate action should be taken for this purpose;

AND WHEREAS the West Bengal Legislature is not in session;

The Governor of West Bengal is pleased in exercise of the power conferred by sub-section (*1*) of section 88 of the Government of India Act, 1935, to make and promulgate the following Ordinance, namely:— 26 Geo. V, c. 2.

Short title, extent and commencement.

1. (*1*) This Ordinance may be called the West Bengal Cement Control Ordinance, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall come into force on the date of its publication in the *Official Gazette*.

Definition.

2. In this Ordinance, unless there is anything repugnant in the subject or context, "cement" includes portland cement, any other cementitious product manufactured by intergrinding or intermixing portland cement as defined in the British Standard Specifications of 1940, with any active or inert material, white and coloured cements, high aluminia cements, and any product manufactured by direct mixing of some or all oxides constituting normal portland cement.

Power to control production, supply, distribution, etc., of cement.

3. (*1*) The Provincial Government, so far as it appears to it to be necessary or expedient for maintaining or increasing the supply of cement or for securing its equitable distribution and availability at fair prices, may, by order, in the *Official Gazette*, provide for regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein within West Bengal.

(*2*) Without prejudice to the generality of the powers conferred by sub-section (*1*), an order made thereunder may provide—

(*a*) for regulating by licenses, permits or otherwise the production or manufacture of cement;

(*b*) for regulating or controlling the prices at which cement may be purchased or sold and for prescribing the conditions of sale thereof;

The West Bengal Cement Control Ordinance, 1948.

(Sections 4—8.)

(*c*) for regulating by licenses, permits or otherwise the storage, transport, movement, possession, distribution, disposal, acquisition, use or consumption of cement;

(*d*) for prohibiting the withholding from sale of cement ordinarily kept for sale;

(*e*) for requiring any person holding stock of cement to sell the whole or specified part of the stock at such prices and to such persons or classes of persons or in such circumstances, as may be specified in the order;

(*f*) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;

(*g*) for requiring persons engaged in the production, supply or distribution of, or trade or commerce in, cement to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto, as may be specified in the order; and

(*h*) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles, vessels and aircraft, the seizure by a person authorised to make such search of cement in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, the grant or issue of licenses, permits or other documents, and the charging of fees therefor.

(*3*) When any cement is seized under the authority of any order made under sub-section (*1*), the person seizing the cement shall make a report of such seizure to a Magistrate who may give such directions as to its temporary custody as he thinks fit, so, however, that where no prosecution is instituted for contravention of the order in respect of the cement seized within a period in his opinion reasonable, the Magistrate shall direct its return to the person from whom it was seized; and the provisions of the Code of Criminal Procedure, 1898, shall, so far as they may be applicable, apply to any search or seizure under any such order as they apply to any search or seizure under Chapter VII of that Code. Act V of 1898.

Delegation of powers.

4. The Provincial Government may, by order, in the *Official Gazette*, direct that the power to make orders under section 3 shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by such Officer or authority subordinate to the Provincial Government as may be specified in the direction.

Effect of orders inconsistent with other enactments.

5. Any order made under section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Ordinance or any instrument having effect by virtue of any enactment other than this Ordinance.

Penalties.

6. If any person contravenes any order made under section 3, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both, and, if the order so provides, any Court, trying such contravention, may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to His Majesty.

Attempts and abetments.

7. Any person who attempts to contravene, or abets a contravention of, any order made under section 3 shall be deemed to have contravened that order.

Offences by Corporation.

8. If the person contravening an order made under section 3 is a company or other body corporate, every director, manager, secretary or other officer of

without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

False statement.

9. If any person—

(*i*) when required by any order made under section 3 to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or

(*ii*) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which is required by any such order to maintain or furnish,

he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Cognizance of offences.

10. No Court shall take cognizance of any offence punishable under this Ordinance except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code. Act XLV of 1860.

Power to try offences summarily.

11. Any magistrate or bench of magistrates empowered for the time being to try in a summary way the offences specified in sub-section (*1*) of section 260 of the Code of Criminal Procedure, 1898, may, on application in this behalf being made by the prosecution, try in accordance with the provisions contained in sections 262 to 265 of the said Code any offence punishable under this Ordinance. Act V of 1898.

The West Bengal Cement Control Ordinance, 1948.

(Sections 12—14.)

Special provision regarding fines.

12. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the First Class specially empowered by the Provincial Government in this behalf and for any Presidency Magistrate to pass a sentence of fine exceeding one thousand rupees on any person convicted of contravening an order made under section 3. Act V of 1898.

Savings.

13. No order made in exercise of any power conferred by or under this Ordinance shall be called in question in any Court.

Protection of action taken under the Ordinance.

14. (*1*) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

(*2*) No suit or other legal proceeding shall lie against the Crown for any damages caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

KAILAS NATH KATJU,
Governor of West Bengal.

The 5th August, 1948.

B. K. GUHA,
Secy. to the Govt. of West Bengal.

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MONDAY, AUGUST 9, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (JUDICIAL) DEPARTMENT.

NOTIFICATION.

No. 3781J.—6th August 1948.—In exercise of the powers conferred by the West Bengal Special Courts (Continuance) Act, 1948 (West Bengal Act V of 1948), read with sub-sections (1) and (2) of section 3 of the Bengal Criminal Law Amendment Ordinance, 1947 (Bengal Ordinance I of 1947), and in supersession of notification No. 3701J., dated the 23rd July 1948, published in the *Calcutta Gazette, Extraordinary*, dated the 24th July 1948, the Governor is pleased to appoint Sri Asutosh Das Gupta and Sri Sailes Chandra Chakravarti as Judges of the Special Bench constituted for the Presidency town of Calcutta by notification No. 6115J., dated the 3rd December 1947, published in the *Calcutta Gazette, Extraordinary*, of the 5th December 1947 in place of Sri S. K. Haldar and Sri S. Roy Chowdhury, for the disposal, in accordance with the provisions of the said Ordinance, of the cases which having been allotted to the said Special Bench were pending before it on the 30th June 1948.

The Governor is further pleased to designate Sri Asutosh Das Gupta in place of Sri S. K. Haldar as the Senior Judge of the Special Bench.

The Special Bench will sit at Alipore.

No. 3959J.—6th August 1948.—In exercise of the power conferred by the West Bengal Special Benches (Continuance) Act, 1948 (West Bengal Act IV of 1948), read with sub-sections (*1*) and (*2*) of section 3 of the Bengal Criminal Law Amendment Ordinance, 1947 (Bengal Ordinance I of 1947), and in supersession of notification No. 3702J., dated the 23rd July 1948, published in the *Calcutta Gazette, Extraordinary*, dated the 24th July 1948, the Governor is pleased to appoint Sri Asutosh Das Gupta and Sri Sailes Chandra Chakravarti as Judges of the Special Bench constituted for the district of 24-Parganas by notification No. 789J., dated the 8th March 1947, read with notifications No. 5154J., dated the 14th August 1947, No. 5311J., dated the 30th August 1947, and No. 5970J., dated the 18th October 1947, in place of Sri S. K. Haldar and Sri S. Roy Chowdhury, for the disposal, in accordance with the provisions of the said Ordinance, of the case which having been allotted to the said Special Bench were pending before it on the 30th June 1948.

The Governor is further pleased to designate Sri Asutosh Das Gupta in place of Sri S. K. Haldar as the Senior Judge of the Special Bench

The Special Bench will sit at Alipore.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal

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I—Orders and Notifications by the Governor of West engal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

No. 9768D.C.S.- 6th August 1948.—In exercise the powers conferred by sub-section (*1*) of section of the Essential Supplies (Temporary Powers) t, 1946 (XXIV of 1946), read with clauses (*a*), , (*h*), (*i*) and (*j*) of sub-section (*2*) of that tion, and with the notification No. 73/1-TA/46, ted the 28th December 1946, of the Government India in the Department of Industries and pplies, the Governor is pleased to direct that e following amendment shall be made in the est Bengal Cotton Cloth and Yarn Control Order, 7, namely : —

Amendment.

Omit the Explanation under paragraph 13 of the id order.

CORRIGENDUM.

No. 9769D.C.S.—6th August 1948.- In o
No. 8594D.C.S., dated the 9th July 1948, publ
ed at pages 609-610 of Part I of the *Cal*
Gazette, Extraordinary of the 10th July 1948,
"West Bengal Cotton Cloth and Yarn Co
Order, 1947" *read* "West Bengal Cotton C
and Yarn Movements Control Order, 1947."

By order of the Gover
R. S. KRISHNASWAM
Secy. to the Govt. of West Beng

Printed and published by the Superintendent, Govt. Printing
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I—Orders and Notifications by the Governor of West engal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT.
Press.

ORDERS.

o. 794Pr.—9th August 1948.—Whereas "The lv Alaman", an Urdu newspaper, edited by dat Ali Sabiri and printed at the Nazir Printing s, Karachi, by Azaharuddin and published by from Macleod Road, Karachi, has published nts relating to Hyderabad and Kashmir in its e dated the 11th July 1948, which in the nion of the Provincial Government are likely ndanger communal harmony and the safety and uility of the Province of West Bengal;

ow therefore, in exercise of the power conferred clause (*d*) of sub-section (*1*) of section 8 of the st Bengal Security Act, 1948 (West Bengal Act of 1948), the Governor is pleased to prohibit publication, sale or distribution of the said

issue of the newspaper, of any extract therefr
or of any translation thereof, including the
lication, sale or distribution of any subseq
issue thereof, in West Bengal.

No. 796Pr.—9th August 1948.—Whereas
Daily Anjam", an Urdu newspaper, edited
Irshad Ahmed Beg Chughtai and printed at
Nazir Printing Press, Karachi, by Omar Far
and published by him, contained a report rela
to disturbances at Werawal in Junagadh in
issue, dated the 13th July 1948, the effect of wh
in the opinion of the Provincial Government
likely to endanger communal harmony and
safety and stability of the Province of W
Bengal;

Now, therefore, in exercise of the power
ferred by clause (*d*) of sub-section (*1*) of sect
of the West Bengal Security Act, 1948 (W
Bengal Act III of 1948), the Governor is plea
to prohibit the publication, sale or distributio
the said issue of the newspaper, of any extr
therefrom, or of any translation thereof, includ
the publication, sale or distribution of any sub
quent issue thereof, in West Bengal

By order of the Gover
R. GUPTA,
Secy. to the Govt. of West Beng

Printed and published by the Superintendent, Govt. Printing
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TUESDAY, AUGUST 10, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
EDUCATION DEPARTMENT.

Education.

NOTIFICATIONS.

No. 2946Edn.—9th August 1948.—In exercise of the powers conferred by section 5 of the West Bengal District School Boards Act, 1947 (West Bengal Act IV of 1947), read with section 7 of that Act the Governor is pleased to make the following amendment in paragraph 2 of notification No. 6811Edn., dated the 19th December 1947, fixing the term of office of the members of the District School Board of Jalpaiguri, namely:—

Amendment.

In paragraph 2 of the said notification *for* the words "one year" *substitute* the words "two years".

No. 2947Edn.—9th August 1948.—In exercise of the powers conferred by section 5 of the West Bengal District School Boards Act, 1947 (West Bengal Act IV of 1947), read with section 7 of that Act the Governor is pleased to make the following amendment in paragraph 2 of notification No. 6711Edn., dated the 19th December 1947, fixing the

term of office of the members of the District School Board of Navadwip, namely:—

Amendment.

In paragraph 2 of the said notification *for* the words "one year" *substitute* the words "two years".

No. 2948Edn.—9th August 1948.—In exercise of the power conferred by section 5 of the West Bengal District School Boards Act, 1947 (West Bengal Act IV of 1947), read with section 7 of that Act the Governor is pleased to make the following amendment in paragraph 2 of notification No. 186Edn., dated the 17th January 1948, fixing the term of office of the members of the District School Board of West Dinajpur, namely:—

Amendment.

In paragraph 2 of the said notification *for* the words "one year" *substitute* the words "two years".

No. 2949Edn.—9th August 1948.—In exercise of the power conferred by section 5 of the West Bengal District School Boards Act, 1947 (West Bengal Act IV of 1947), read with section 7 of that Act the Governor is pleased to make the following amendment in paragraph 2 of notification No. 179Edn., dated the 17th January 1948, fixing the term of office of the members of the District School Board of Malda, namely:—

Amendment.

In paragraph 2 of the said notification *for* the words "one year" *substitute* the words "two years".

By order of the Governor,

D. M. SEN,
Secy. to the Govt. of West Bengal

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

The West Bengal Cotton Cloth and Yarn Control Order, 1948.

No. 10097D.C.S.—13th August 1948.—In exercise of the powers conferred by sub-section (*1*) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clauses (*a*), (*c*), (*d*), (*e*), (*f*), (*g*), (*h*), (*i*) and (*j*) of sub-section (*2*) of that section and with the Notification No. 73/1-TA/46, dated the 28th December 1946, of the Government of India in the Department of Industries and Supplies, the Governor is pleased to make the following Order:

1. (1) This Order may be called the West Bengal Cotton Cloth and Yarn Control Order, 1948.

(2) It extends to the whole of West Bengal.

2. The West Bengal Cotton Cloth and Yarn Control Order, 1947, is hereby repealed:

Provided that anything done or deemed to have been done under any provision of that Order shall be deemed to have been done under the corresponding provision of this Order:

Provided further that any reference in any law for the time being in force to any provision of the Bengal Cotton Cloth and Yarn Control Order, 1946, or the Bengal Cotton Cloth and Yarn Control Order, 1946, or the West Bengal Cotton Cloth and Yarn Control Order, 1947, shall, unless a different intention appears, be construed as a reference to the corresponding provision of this Order.

3. In this Order, unless there is anything repugnant in the subject or context,—

(*a*) "broker" means a person employed by a dealer to buy cloth or yarn or both from another dealer or to sell cloth or yarn or both to another dealer;

(*b*) "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866;

(*c*) "cloth" and "yarn" mean respectively any type of cloth and yarn either manufactured wholly from cotton or manufactured partly from cotton and partly from any other material and cloth includes cloth made into garments, apparels and yarn made into hosiery goods, but does not include articles which are Indian woollen goods as defined in the Indian Woollen Goods (Control) Order, 1944, or cloth manufactured partly from cotton and partly from wool and containing 40 per cent. or more of wool by weight;

(*d*) "Commission Agent" means a person authorised by a dealer to buy cloth or yarn or both on his behalf;

(*e*) "Controller" means in Calcutta, the Director, and elsewhere the District Controller of Civil Supplies or any other officer appointed by the Director to perform the functions of the Controller under this Order;

(*f*) "dealer" means a person other than a manufacturer engaged in the business of buying and selling or storing for sale cloth or yarn or both, whether or not in conjunction with any other business, and includes a quota holder, an importer, a wholesale dealer, a retail dealer, a hawker, a commission agent, a broker, a mill's selling agent, a dealer in hosiery goods or yarn, a dealer in ready-made garments of cloth and a proprietor of a tailoring establishment;

(*g*) "dealer in ready-made garments" means a person who engages in the business of buying and selling or making and selling or storing for sale ready-made garments other than dhoties and saries;

(*h*) "Deputy Commissioner" means the Deputy Commissioner of Calcutta Police, Enforcement Branch;

(*i*) "Director" means the Director of Textiles appointed by the Provincial Government and includes any officer authorised by the Director by order in writing to perform all or any of the functions of the Director under this Order;

(*j*) "hawker" means a person who goes from place to place or from house to house carrying or exposing for sale, for consumption by the purchasers, cloth or yarn or both, or samples of cloth or yarn or both to be afterwards delivered to such purchasers;

(*k*) "importer" means a person other than a quota holder who imports cloth or yarn or both into the province of West Bengal for sale;

(*l*) "manufacturer" means a person engaged in the manufacture of cloth or yarn or both and includes a person who uses cloth or yarn or both as an accessory in the course of his trade, business or profession, but does not include a processor, weaver or a person who makes garments from cloth;

(*m*) "mill's selling agent" means a person appointed by a mill to receive cloth or yarn or both from the mill for distribution to dealers to whom the mill is permitted to sell its cloth or yarn;

(*n*) "processor" means a person other than a manufacturer or weaver who is engaged in the work of carrying out any process on cloth or yarn, such as dyeing, bleaching, embroidering or any similar process, which effects some permanent or semi-permanent change in the appearance of the cloth or yarn, but does not include a person who carries out any such process only on cloth or yarn supplied by his customers;

(*o*) "proprietor of a tailoring establishment" means a person who makes or causes to be made under his supervision, any garments, apparels, household goods or other finished goods for sale, out of cloth but does not include a person who makes or causes to be made any garments, apparels, household goods or other finished goods out of cloth supplied by his customer;

(*p*) "quota holder" means a person who obtains cloth or yarn or both directly from a mill situated in India at the ex-mill price by virtue of his having purchased cloth or yarn from that mill during the years 1940, 1941 and 1942;

(*q*) "retail dealer" means a dealer who sells cloth for consumption by the purchasers only and sells yarn to weavers only and includes the proprietor of a tailoring establishment (retail);

(*r*) "Superintendent of Enforcement" means the Special Superintendents and the District Superintendents of West Bengal Police, Enforcement Branch;

(*s*) "Textile Licensing Officer" means,—

(*1*) in Calcutta the officers appointed by the Director to perform the functions of the Textile Licensing Officer under this Order; and

(*2*) elsewhere the Subdivisional Magistrate or the Subdivisional Controller of Civil Supplies and includes any other officer appointed by the Director or District Magistrate to perform the functions of the Textile Licensing Officer under this Order;

(*t*) "weaver" means a person who manufactures cloth from yarn solely by manual power and includes a master weaver;

(*u*) "wholesale dealer" means a dealer who sells cloth or yarn or both to a manufacturer or to another dealer, and includes the proprietor of a tailoring establishment (wholesale).

4. No person shall engage in any undertaking which involves the manufacture, purchase, sale or storage for sale of cloth or yarn or both unless he holds a license in this behalf under this Order and except in accordance with the conditions specified in such license:

Provided that all persons manufacturing hosiery goods by using hand plant and *charka* spinners shall be exempted from the operation of the provi[illegible] of this paragraph.

5. All applicants for licenses or renewal [illegible] licenses under this Order shall, for the purpose [illegible] this Order, be classified under one of the group specified in Schedule I to this Order and th license fees payable by persons classified under an of the said groups shall be the amount specifie against that group.

6. (*1*) All applications for the issue of licens under this Order shall be made to the Textil Licensing Officer in Form "A" as set forth Schedule II to this Order.

(*2*) The license fee referred to in paragraph shall be paid in non-judicial stamps and shall filed along with the application for license renewal of license and no license shall be issu unless the license fees in respect thereof under t said paragraph have been paid.

7. Licenses under this Order shall be issued the Textile Licensing Officer in Form "B" as forth in Schedule II to this Order.

8. The Textile Licensing Officer may, reasons to be recorded in writing, refuse to gra a license under this Order.

9. Notwithstanding anything contained in th Order the Director may, without assigning a reason, direct that any application for a licen or for the renewal of a license be refused or th a license already granted or renewed be suspend or cancelled.

10. (*1*) Every license issued under this Or shall specify,—

(*a*) the class of business in respect of which t license is granted;

(*b*) the premises or the area in which t licensee shall carry on business; and

(*c*) the premises or places where cloth or y may be stored by the licensee.

(*2*) A license issued under this Order sh ordinarily authorise the licensee to carry on bu ness in any of the manners specified in the differ items of the particular group in Schedule I to t Order under which he has been classified un paragraph 5:

Provided that it shall be competent for Textile Licensing Officer to restrict the licensee the carrying on of business in the manner speci in any one or more of the items of the particu group under which he has been classified.

(*3*) A licensee who has been classified under of the groups specified in Schedule I to this Or and has been granted a license under this Or authorising him to carry on business in the man specified in any or all of the items under group, shall not carry on business in the man specified in any of the items under any o group in that schedule unless he holds a sepa license issued to him in that behalf under Order.

(*4*) No licensee shall carry on his business store any cloth or yarn to which the license rel except in the premises, area or places, as the may be, specified in his license.

(*5*) If the licensee intends to store any cloth yarn in any place, premises or godown other t one of those already mentioned in the license shall intimate the address of such place, premi or godowns to the Controller and the Tex Licensing Officer and shall not store any cloth yarn in such place, premises or godown, until Textile Licensing Officer has endorsed it on license.

(*6*) If the licensee is carrying on business in r [illegible] license shall be taken [illegible] than

Provided that where a licensee is a retail dealer nd carrying on business in more than one place, e may take out a consolidated license in respect f each of such places of business on payment of a icense fee in accordance with the scale specified n Schedule III:

Provided further that if a licensee who has taken ut a consolidated license under the first proviso pens one or more new places of business after the ate of issue of such consolidated license for arrying on business as a retail dealer, such new lace or places of business may be included in his onsolidated license on payment of such additional es as would have been payable by him in accordnce with the scale specified in Schedule III, if he ad on the date of such inclusion taken out a conolidated license in respect of all such places of usiness.

Explanation.—For the purpose of this sub-paragraph a godown or any other premises or place here cloth or yarn to which the license relates is tored shall not be deemed to be a separate place f business.

(7) Every licensee who has been classified under roup "F" specified in Schedule I to this Order nd has been granted a license under this Order respect of one or more handlooms shall paint or ause to be painted clearly in English or Bengali umerals not less than three inches in height, in e case where the license has been granted in spect of one handloom, the number allotted to the ense in a permanent place on such handloom nd, in the case where the license has been granted n respect of more than one handloom, the number llotted to the license followed respectively by the erial number of each such handloom in a prominent lace on each such handloom.

Illustration.—If the license has been granted in espect of, say, four handlooms, they shall be paintn within the following figures, namely, 569/1, 69/2, 569/3, 569/4, respectively. If the license as been granted in respect of only one handloom t shall be painted with the figures 569.

11. Every license issued under this Order shall e valid up to the 31st March next following the ate of its issue and may at the discretion of Textile Licensing Officer be renewed for successive eriods of one year on application made in that ehalf to the Textile Licensing Officer before the xpiry of the date of the validity of the license and n payment in non-judicial stamps of the fees eferred to in paragraph 5:

Provided that the Director may grant such license for any period less than a year upon payment of such fees by the licensees as may be fixed by the Provincial Government in that behalf:

Provided further that the Director may by notification extend the time for filling of applications for renewal of licenses and may require payment of an extra fee for any application to be filled after the due date:

Provided further that the Textile Licensing Officer may, for reasons to be recorded in writing, refuse to renew a license.

12. If a license granted under this Order is defaced, lost or destroyed, the Textile Licensing Officer may, after making such inquiry as he deems necessary, issue a fresh license in place thereof on payment of a fee of Re. 1 and thereupon the license that has been defaced, lost or destroyed shall be deemed to be cancelled.

13. (1) The Controller may, with a view to securing a proper distribution of cloth and yarn or with a view to securing compliance with this Order, give such directions to any dealer or any class of dealers as he may think fit and may issue such further instructions as may be necessary regarding the manner in which such direction shall be carried out.

(2) Notwithstanding any Order issued by any other authority, the Controller may from time to time issue directions to a dealer holding stocks of cloth or yarn to sell and deliver to such other dealers or persons, such quantities of cloth or yarn at such rates within such time as may be specified by the Controller and may from time to time issue such general or special directions to a dealer with regard to the storage, sale and transport of cloth or yarn as the Controller may deem fit.

(3) A dealer shall not sell in any one transaction to another dealer holding a license under this Order or to a weaver or to any other purchaser, as the case may be, cloth or yarn exceeding such quantity as may be specified in this behalf by the Controller.

14. Every holder of a license issued under this Order shall furnish such information as the Director or the Deputy Commissioner or any Superintendent of Enforcement or the Controller or any officer authorised in this behalf in writing by the Director or the Deputy Commissioner or any Superintendent of Enforcement or the Controller may by general or special order demand of him for the purpose of this Order.

15. Every dealer shall keep in such form as may be specified in this behalf by the Director such books of accounts and other records relating to his undertaking as the Director may, by general or special order, direct.

16. Any officer authorised in this behalf by the Director, the Deputy Commissioner or any Superintendent of Enforcement or by the Controller by general or special order in writing may enter upon and inspect any premises in which he has reason to believe that the manufacture, purchase, sale or storage for sale of any cloth or yarn is taking place contrary to the provisions of this Order.

17. No manufacturer of yarn shall sell yarn to any person other than a dealer holding a license in respect of purchase or sale or storage for sale of yarn under this Order, a manufacturer, a weaver or any person purchasing yarn on behalf of the Central Government or any Provincial Government.

18. (1) A dealer other than a hawker shall display in a conspicuous position at his place of business a list in the most commonly understood language of the locality showing the maximum legal price in respect of all such kinds of cloth in his shop or store as have prices stamped thereon and shall not withhold from sale any such cloth to any person on demand and offer of the maximum legal price.

(2) A hawker shall carry a list in the most commonly understood language of the locality showing the maximum retail prices of all such kinds of cloth carried or exposed for sale by him as have prices stamped thereon.

19. (1) Every dealer, other than a hawker, shall issue to every person who purchases any cloth or yarn from him a true cash memorandum or credit note, as the case may be, in respect of such purchase of which such dealer shall keep a duplicate which shall be produced by such dealer for inspection on demand by the Textile Licensing Officer or any officer authorised in writing by such officer in this behalf, and which shall contain the following details, namely:—

(*a*) the name, license number and address of the dealer;

(*b*) the date of the transaction;

(*c*) the name and address and license number (if any) of the purchaser;

(*d*) the detailed description of goods sold;

(*e*) the quantity sold;

(*f*) rate at which such goods were sold;

(*g*) the unit of sale;

Explanation.—In this item "unit" means the unit of quantity by reference to which the goods are sold.

(*b*) the total price of each item of goods sold in the transaction; and

(*c*) the salesman's signature.

(*2*) The duplicate of every cash memorandum and every credit note issued under sub-paragraph (*1*) shall be preserved for one year from the date of issue.

20. A licensee shall surrender his license to the Textile Licensing Officer for cancellation within one month of the date on which he ceases to carry on his business and shall at the time of so surrendering the license declare in writing before the said officer the stock held by him on the said date.

21. (*1*) No person being the holder of a license under this Order shall contravene any of the conditions subject to which he holds the license.

(*2*) The Director or the Controller or any officer authorised in this behalf in writing by the Director or the Controller may, if he is of the opinion that any person holding a license under this order had contravened any of the provisions of this order or any of the conditions of his license or any of the provisions of Cotton Cloth and Yarn (Control) Orders made before this or of any notification made or direction issued under those Orders, cancel the license of such person without prejudice to any other action that may be taken against him.

22. The Director or the Deputy Commissioner or any Superintendent of Enforcement or the Controller or any officer authorised in writing by the Director or the Deputy Commissioner or any Superintendent of Enforcement or the Controller in this behalf by general or special order may, with a view to securing compliance with this Order,—

(*a*) require any person to give any information in his possession with respect to any business carried on by that person or any other person;

(*b*) inspect or cause to be inspected any books or other documents as well as any stocks of cloth or yarn belonging to or under the control of any person;

(*c*) enter and search or authorise any person to enter and search any premises in which the purchase or sale of any cloth or yarn is taking place or any cloth or yarn is stored or in which he has reason to believe that the purchase or sale of any cloth or yarn is taking place or any cloth or yarn is stored.

23. Any person searching any premises under the provisions of clause (*c*) of paragraph 22 may seal or cause to be sealed, in such manner as he may see fit, the premises so searched, or any box, bale or package in such premises, which contains or which he has reason to believe contains cloth or yarn, and he may also pack and seal in such manner as he may see fit any cloth or yarn in such premises which may be found in an unpacked condition, or instead of so sealing any such box, bale or package, or so packing and sealing any cloth or yarn, he may, if he deems it expedient, seize any such box, bale, package, cloth or yarn, in respect of which he has reason to believe that any contravention of this Order has occurred.

24. During the search of any premises under the provisions of clause (*c*) of paragraph 22 or at any time after such a search has been made, any person authorised in writing in this behalf by the Director or the Deputy Commissioner or any Superintendent of Enforcement or the Controller may enter or re-enter such premises, and make an inventory of any cloth or yarn in such premises [illegible] this

package which contains, or which he had reason to believe contains, cloth or yarn and he may also for this purpose break any seal affixed to any box, bale, package, cloth or yarn and reseal it in the same manner.

25. Subject to the provisions of paragraph 24, no person other than a person authorised in writing in this behalf by the Director or Deputy Commissioner or any Superintendent of Enforcement or the Controller shall break or tamper in any way any seal affixed under paragraph 23 or paragraph 24 to any box, bale or package or to any cloth or yarn packed under either of the said paragraphs or remove from any premises any box, bale, package, cloth or yarn to which a seal has been affixed under either of the said paragraphs.

26. Any person searching any premises under clause (*c*) of paragraph 22 may, by order in writing, direct the owner, occupier or person in charge or control of such premises or any employee of such owner, occupier or person, to furnish him forthwith—

(*a*) with any information in regard to any other premises owned, occupied or controlled in any way by such owner, occupier or person in charge or control of the premises so being searched and the person so directed shall comply with such a direction to the best of his knowledge and belief;

(*b*) with a true statement of the quantities of cloth and yarn of each different type or quality in the premises so being searched at the time of commencement of such search.

27. Every hawker, broker, commission agent or weaver holding a license under this Order shall carry with him his license and produce it for inspection on demand by the Controller or by any officer authorised in writing in this behalf by any general or special order by the Director or the Deputy Commissioner or any Superintendent of Enforcement or the Controller, and every other person holding a license under this Order shall display his license in a conspicuous position at his place of business.

28. If any person with the intent that any provision of this Order may be evaded refuses to give any information lawfully demanded of him under the provisions of this Order, or conceals, destroys, mutilates or defaces any book or other document, he shall be deemed to have contravened the provisions of this Order.

29. A court trying any contravention of this Order may, without prejudice to any other sentence which it may pass, direct that any cloth or yarn together with the package or container thereof in respect of which it is satisfied that such contravention has occurred shall be forfeited to His Majesty.

30. The Provincial Government may, by general or special order,—

(*a*) exclude any class of cloth or yarn specified in such order from the operation of this Order;

(*b*) exempt any person or class of persons from the operation of all or any of the provisions of this Order.

Schedule I.

(*See* paragraph 5.)

(*Manufacturers by power-driven plant.*)

Group "A (1)"—Rs. 300.

1. Manufacturer of cloth by power-looms.

2. [illegible] by power-driven

Group "A (2)"—Rs. 150.

1. Manufacturer of hosiery yarn or hosiery goods by power.
2. Dyeing, bleaching and printing establishment run by power.

Group "B"—Rs. 250—Quota-holders, permit-holders and other dealers importing directly or indirectly from mills or acting on behalf of mills and importers of hand-loom cloth, hand-spun yarn or hosiery goods.

1. Quota-holders (cloth).
2. Quota-holders (yarn).
3. Importers (cloth).
4. Importers (yarn).
5. Mill selling agents (cloth).
6. Mill selling agents (yarn).

Group "C"—Rs. 100.

1. Wholesale dealers (mill-made cloth).
2. Wholesale dealers (yarn) including hosiery yarn.
3. Commission Agents.
4. Wholesale dealers in hand-loom cloth and hand-spun yarn.
5. Proprietors of tailoring establishments (wholesale) and wholesale dealers in ready-made garments.
6. Wholesale dealers in hosiery goods.

Group "D"—Rs. 50—Retail dealers.

1. Retail dealers (mill-made cloth).
2. Retail dealers (yarn).
3. Proprietors of tailoring establishments (retail) and retail dealers in ready-made garments.
4. Retail dealers in hosiery goods.
5. Retail dealers in handloom cloth.
6. Retail dealers in bedding stores.

Group "E"—Rs. 10—Hawkers.

Group "F"—Re. 1 per loom—Weavers of handloom cloth including the right to hawk handloom cloth anywhere in the province.

Group "G"—Rs. 100—Brokers.

Schedule II.

FORM "A".

(*See* paragraph 6.)

Application No..................

GOVERNMENT OF WEST BENGAL.

West Bengal Cotton Cloth and Yarn Control Order, 1948.

Application for the grant of a license to deal in cloth/yarn.

Class of License required—Group A/B/C/D/E/F/G.

1. Name of applicant with father's name ....

2. In the case of a firm—Names and addresses of all the partners together with their fathers' names and also the number and class of any license under this Order held by any of the partners...... ....

3. In the case of a Joint-Stock Company—Names and addresses of all the Directors and Agents with class and number of any license under this Order held by any of such Directors and Agents...

4. In the case of a Co-operative Society—Names and addresses of the members of the Managing Body or officials appointed for the purpose ....

5. Exact address of the office of the applicant, if it is different from the place of business, i.e., shops, Sales Tax Registration No., Municipal Trade License No. and Income-tax File No., if any, ...

6. Exact address of the place where business is to be conducted, i.e., shops, and the Ward No. ....

7. Exact address of the place or places where cloth/yarn is to be stored ....

8. (*a*) In what class of yarn/cloth business has the applicant previously carried on business and since when (English calendar date) ....

(*b*) Whether the applicant was in yarn/cloth business continuously from 1st January 1940 to 31st December 1942 (if only part of this period, give date) and in what class of business during the period...

9. Whether the applicant had previously applied for a license under the Bengal Cotton Cloth and Yarn Control Order, 1943, 1945 or 1946, or under the West Bengal Cotton Cloth and Yarn Control Order, 1947, and, if so, when and with what result...

10. Number and place of issue of license if any granted under the Bengal Cotton Cloth and Yarn Control Order, 1943, 1945 or 1946, or under the West Bengal Cotton Cloth and Yarn Control Order, 1947...

11. The class and item numbers thereunder for which license is applied for (e.g., Group "D", 1 and 3)..... ....

12. Whether the applicant is a minor...

13. Whether the applicant has any license to deal in yarn/cloth in any part of India other than West Bengal...

11. Whether the applicant is a member or partner of any other firm or company which holds or has applied for a license to deal in yarn/cloth. If so, give the name and place of business of the firm or company and other details relating to the license.....
.....
.....
.....

I certify that the statement above is correct and complete to the best of my knowledge and belief.

Signature.....

Applicant.

Date. .....*194*...

Note.—A license granted on this application is liable to cancellation if the information supplied in this form is found to be incorrect or incomplete.

FORM "B".

(*See* paragraph 7.)

GOVERNMENT OF WEST BENGAL.

Department of Civil Supplies.

Textile Licensing Office.

License for the manufacture, sale or storage for sale of cloth and yarn.

1. License No.....

of Group.....

items.....

2. Area.....

3. Name with father's name of the licensee.....

.....

4. Address where the undertaking is carried on

.....

5. Address of godown or other premises where yarn or cloth is stored.....

.....

6. This license will expire on the 31st March 19...

7. The licensee shall hold the license subject to the conditions specified below.

Signature of Textile Licensing Officer.

Conditions of License.

1. This license is being issued subject to the provisions of the West Bengal Cotton Cloth and Yarn Control Order, 1948.

2. The licensee, if a broker, a commission agent, a hawker or a weaver shall carry with him his license when carrying on business and produce it for inspection on demand by the Controller or by any officer authorised in writing by the Director or the Deputy Commissioner or any Superintendent of Enforcement or the Controller and, if not a hawker, a broker, a commission agent or a weaver, shall display his license in a conspicuous position at his place of business.

3. If the licensee intends to store any cloth or yarn in any place, premises or godown other than those already mentioned in the license, he shall intimate the address of such place, premises or godown to the Textile Licensing Officer and s not store any cloth or yarn in such place, p en or godown until the Textile Licensing Officer endorsed it on the license.

4. The licensee shall give all facilitie to Director or the Deputy Commissioner or Superintendent of Enforcement or to the Con ler or to any person authorised in writing by of the said officers to inspect his stock and acco at any shop, godown or other place used by for the storage of cloth or yarn or both.

5. The licensee shall comply with all direct that may be given by the Controller in regar the purchase, sale or storage of cloth or yarn both.

6. The licensee, if he is not a hawker, s issue to every customer a true cash memorandu credit note as the case may be, giving his n license number and address, date of the transact the name and address and license number (if of the purchaser, a detailed description of g sold, the quantity sold, the rate at which sold, unit of sale, the total price of each item of g sold and the salesman's signature, and shall a duplicate of the same to be available for ins tion on demand by the Textile Licensing Office any officer authorised in writing by the Tex Licensing Officer in this behalf and shall pres every such duplicate of cash memorandum credit note for one year from the date of issue.

7. If the licensee contravenes any of the pr sions of the West Bengal Cotton Cloth and Y Control Order, 1948, or any of the condit subject to which he holds this license or any o provision of Cotton Cloth and Yarn (Cont Orders made before this or any rule, direction notification made under those orders, then wit prejudice to any other action that may be ta against him, his license may be cancelled by Director or the Controller or any officer author by either of them in writing in that behalf.

8. Notwithstanding anything contained clause 7, the Director may, without giving previous notice or without assigning any rea suspend or cancel the license.

SCHEDULE III.

[*See* paragraph 10(6).]

In respect of each place of business up to 5

and

Where the number of places of business exceeds 5, in respect of each place of business in excess of 5 up to 10

and

Where the number of places of business exceeds 10, in respect of each place of business in excess of 10 and up to 15

Where the number of places of business exceeds 15, in respect of each place of business in excess of 15 up to 20

Where the number of places of business exceeds 20, in respect of each place of business in excess of 20 up to 25

and

Where the number of places of business exceeds 25, in respect of each place of business in excess of 25

Provided that the total amount of fees payable in respect of all the places of business shall in no case exceed Rs. 500.

By order of the Governor,

R. S. KRISHNASWAMY,

Secy. to the Govt. of West Ben

ered No. [redacted]

The Calcutta Gazette

Extraordinary

Published by Authority

SATURDAY, AUGUST 14, 1948

RT I—Orders and Notifications by the Governor of t Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

ORDER.

No. 815Pr.—14th August 1948.—Whereas "The ily Imroz", an Urdu newspaper edited by eragh Hasan Hasarat, Faiz Ahmed Faiz and hammad Sarwar and printed at the Kapur Art ss by Syed Amir Husain Shah and published him from Lahore, contained in its issue, dated 27th July 1948, matter which, in the opinion the Provincial Government, is likely to endanger mmunal harmony and the safety and stability of Province of West Bengal;

Now, therefore, in exercise of the power conned by clause (*d*) of sub-section (*1*) of section 8

of the West Bengal Security Act, 1948 (W
Bengal Act III of 1948), the Governor is ple
to prohibit the publication, sale or distribution
the said issue of the newspaper, of any ext
theretrom, or of any translation thereof, includ
the publication, sale or distribution of any
sequent issue thereof, in West Bengal.

By order of the Governo
R. GUPTA,
Secy. to the Govt. of West Ben

Printed and published by the Superintendent, Govt. Ptg., We
at West Bengal Govt. Press, Alipore, on the 14th August

stered No. C207

The Calcutta Gazette

Extraordinary

Published by Authority

SATURDAY, AUGUST 14, 1948

T I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

NOTIFICATIONS.

No. L.S.-G.-1B-42/48(1).—14th August 1948.—In exercise of the power conferred by section 5 of the West Bengal District Boards Act, 1947 (West Bengal Act III of 1947), read with section 7 of that Act, the Governor is pleased to make the following amendment in notification No. L.S.-G.-386-47-1B(2), dated the 29th December 1947, published in the *Calcutta Gazette, Extraordinary*, dated the 30th December 1947:—

Amendment.

In the said notification in sub-paragraph (3) of paragraph 1, *for* the words "one year" *substitute* the words "two years".

No. L.S.-G.-1B-42/48(2).—14th August 1948.—In exercise of the power conferred by section 5 of the West Bengal District Boards Act, 1947 (West Bengal Act III of 1947), read with section 7 of that Act, the Governor is pleased to make the

following amendment in notification No. L.S.-G.-1387/47/1B(2), dated the 14th November 1947, published in the *Calcutta Gazette, Extraordinary*, dated the 14th November 1947, as subsequently amended :—

Amendment.

In the said notification in paragraph 3, *for* the words "one year" *substitute* the words "two years".

No. L.S.-G.-1B-42/48(3).—14th August 1948.—In exercise of the power conferred by section 3 of the West Bengal District Boards Act, 1947 (West Bengal Act III of 1947), read with section 7 of that Act, the Governor is pleased to make the following amendment in notification No. L.S.-G.-1385/47/1B(2), dated the 1st December 1947, published in the *Calcutta Gazette, Extraordinary*, dated the 1st December 1947 :—

Amendment.

In the said notification in sub-paragraph (a) of paragraph 1, *for* the words "one year" *substitute* the words "two years".

No. L.S.-G.-1B-42/48(4).—14th August 1948.—In exercise of the power conferred by section 3 of the West Bengal District Boards Act, 1947 (West Bengal Act III of 1947), read with section 7 of that Act, the Governor is pleased to make the following amendment in notification No. L.S.-G.-1388/47/1B(2), dated the 26th November 1947, published in the *Calcutta Gazette, Extraordinary*, dated the 26th November 1947, as subsequently amended :—

Amendment.

In the said notification in paragraph 3, *for* the words "one year" *substitute* the words "two years."

By order of the Governor,

S. K. GUPTA,

Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Govt. Printing, West Bengal, at West Bengal Govt. Press, Alipore, on the 14th August 1948.

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THURSDAY, AUGUST 19, 1948

ASSEMBLY DEPARTMENT
ON :- 2 8 1948
File No. .....
Diary No. .....

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

No. 10773D.C.S.—18th August 1948.—In exercise of the powers conferred by sub-section (*1*) of section 3 of the West Bengal Cement Control Ordinance, 1948 (West Bengal Ordinance IX of 1948), read with clauses (*b*), (*c*), (*d*), (*e*), (*f*), (*g*) and (*i*) of sub-section (*2*) of that section, the Governor is pleased to make the following Order, namely :—

1. No person shall, after the commencement of this Order, sell or store for sale any cement unless he holds a licence in this behalf under this Order and except in accordance with the conditions of the licence in such licence obtained from the Director of Consumer Goods, West Bengal, or any officer authorised by him in writing in this behalf :

Provided that persons engaged in the sale or storage for sale of cement at the commencement of this Order shall, with a view to obtaining such licence, apply within fifteen days from such commencement and such persons shall be allowed to carry on their business without licence until their licences are issued.

2. No person shall dispose of or agree to dispose of any cement except in accordance with the conditions contained in a written order of the Director of Consumer Goods, West Bengal, or the Regional Honorary Cement Adviser to the Government of India, Calcutta, or any officer authorised by the said Director or the Adviser, as the case may be.

3. No person shall acquire or agree to acquire any cement from any person except in accordance with the conditions contained in a written order of the Director of Consumer Goods, West Bengal, or the Regional Honorary Cement Adviser to the Government of India, Calcutta, or any officer authorised by the said Director or Adviser, as the case may be.

4. No person shall sell cement at a price higher than the notified price.

Explanation.—In this paragraph the expression "notified price" means the price notified in the *Official Gazette* from time to time by the Provincial Government, of cement produced in India as well as imported from outside India.

5. No person who has obtained any cement under a written order issued by the Director of Consumer Goods, West Bengal, or the Regional Honorary Cement Adviser to the Government of India, Calcutta, or any officer authorised by the said Director or the Adviser, as the case may be, shall use it for any purpose other than the purpose specified in the Order, and shall not resell or otherwise dispose of the same except under a written order issued in this behalf by the said Director or Adviser or officer, as the case may be.

6. Any person disposing of cement in accordance with the provisions of paragraph 2 shall obtain from the person acquiring the cement the original written order issued under paragraph 3 for the acquisition thereof and shall preserve it and when required by the Director of Consumer Goods, West Bengal, or the Regional Honorary Cement Adviser to the Government of India, Calcutta, or any officer authorised by the said Director or the Adviser, as the case may be, shall return it to him.

7. Any order issued under paragraph 2 or paragraph 3 may be revoked at any time by the authority issuing it and where such order is revoked, the person to whom it was issued shall forthwith return it to the authority which issued it.

8. No person or stockist who has any stock of cement in his possession and to whom a written order has been issued under paragraph 2 shall refuse to sell the same, at a price not exceeding the notified price, and the seller shall deliver the cement to the buyer within a reasonable time after payment of the price.

9. Any person applying for acquisition of cement under the provisions of paragraph 3 to the Director of Consumer Goods, West Bengal, or to the Regional Honorary Cement Adviser to the Government of India, Calcutta, or any officer authorised by the said Director or Adviser, as the case may be, shall make a true and correct declaration of such particulars as may be required by the said Director, or the said Adviser by general or special order and shall furnish such other information as may be required by the said Director or Adviser or the officer, as the case may be.

10. (*1*) Every person who imports cement from any place outside West Bengal to any place within West Bengal otherwise than in accordance with an order issued by the Regional Honorary Cement Adviser to the Government of India, Calcutta, shall immediately after the arrival of the consignment report to the Director of Consumer Goods, West Bengal, as well as to the Regional Honorary Cement Adviser to the Government of India, Calcutta, the following particulars :—

(1) Quantity.

(2) Place from where imported.

(3) Price actually paid.

(4) Freight, duty and other incidental charges paid.

(5) Purpose for which cement has been imported.

(6) Premises where the cement is stored or is proposed to be stored.

(2) If so required by the Director of Consumer Goods, West Bengal, or the Regional Honorary Cement Adviser to the Government of India, Calcutta, he shall also forthwith produce the relevant documents in support of the particulars furnished by him.

11. Every stockist of cement shall keep full accounts of all stocks received and disposed of by him from time to time and of the prices at which the stocks have been sold, and shall furnish a monthly return of all stocks outstanding on the last day of the month, stocks received and disposed of during the month and the prices at which they have been disposed of. Separate returns shall be submitted for stocks controlled by the Government of India and the Provincial Government. The stockists in Calcutta shall furnish the returns to the Director of Consumer Goods, West Bengal, and the Regional Honorary Cement Adviser to the Government of India, Calcutta, or such officers as may be authorised by the said Director or Adviser, as the case may be. The stockists in places other than Calcutta shall submit the returns to the District Controllers and the Subdivisional Controllers of Civil Supplies concerned. The return for a particular month shall be furnished on the 7th of the following month.

Explanation.—In this paragraph the expression "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866.

12. Any person having in his possession at the commencement of this order any quantity of cement exceeding one hundred tons which has been acquired otherwise than in accordance with a permit or written order issued by the Director of Consumer Goods, West Bengal, or the Regional Honorary Cement Adviser to the Government of India, Calcutta, shall declare within fifteen days of the date of commencement of this Order the stocks in his possession and the place where they are stored. Such declaration shall in Calcutta be sent to the Director of Consumer Goods, West Bengal, and elsewhere to the District Controllers in Sadar subdivisions and to the Subdivisional Controllers of Civil Supplies in the outlying subdivisions.

Explanation.—In this paragraph the expression "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866.

13. (1) Applications for licences under paragraph 4 shall be made to the Director of Consumer Goods, West Bengal, or to any officer authorised in writing in this behalf by the said Director in Form A, and the licence shall be granted in Form B appended to this order on payment of a fee of Rs. 50 which shall be paid in non-judicial stamps.

(2) Every licence shall specify the area in which the licensee shall carry on business and the premises or places where cement may be stored by the licensee.

(3) No licensee shall carry on his business or store any cement except in the premises, area or place specified in the licence.

(4) If the licensee carries on business at more than one place, a separate licence shall be taken out for every such place.

(5) Every licence granted under this Order shall be valid up to 31st March next following the date of its issue and may, at the discretion of the authority by which the licence was granted, be renewed for successive periods of one year on application made in this behalf to such authority before expiry of the date of the validity of the licence, and on payment of fees similar to those paid for the original licence.

(6) The Director of Consumer Goods, West Bengal, or any officer authorised by him in writing in this behalf may for reasons to be recorded in writing refuse to renew a licence.

(7) The authority issuing the licence may cancel or suspend a licence if it is of opinion that the licensee has contravened any of the conditions specified in the licence granted to him or any direction given to him under the provisions of sub-paragraph (8) or for any other reason sufficient in the opinion of the authority issuing the licence.

(8) Every licensee or any person employed by him or acting on his behalf shall comply with any special or general directions issued in writing by the Director of Consumer Goods, West Bengal, for securing proper distribution of cement or for carrying out the purpose of this Order, and shall also comply with such conditions as may be specified in the licence.

FORM A.

[*See* paragraph 13(1).]

Application for the grant of a licence under the West Bengal Cement Control Ordinance, 1948 (West Bengal Ordinance IX of 1948).

1. Name of applicant to whom the licence is to be issued with father's/husband's name ..
   .....
   .....

2. Residential address of the applicant
   .....

3. Address of the place where business is to be conducted.....
   .....

4. Address of the place or places of storage
   .....
   .....

5. Whether the applicant is a minor
   .....

I/We hereby declare that the details given above are correct.

.....

Signature.

Dated.....

Note.—A licence granted under this Ordinance is liable to be cancelled if the information supplied in this form is found to be incorrect or incomplete.

In the case of a firm the names, father's name and addresses of all partners shall be given and all of them must sign the application. In the case of a Joint Stock Company or Co-operative Society the name, father's name, and address of the Manager, Secretary, shall be given and he

FORM B.

[*See* paragraph 13(*1*).]

Licence under the West Bengal Cement Control Ordinance, 1948 (West Bengal Ordinance IX of 1948).

Licence No.....

2. Area.....

3. Name with father's/husband's name of licensee .....

.....

.....

4. Address where the business is carried on.....

.....

5. Address of godown or other premises where cement is stored.....

.....

.....

Signature of the Licensing Authority.

Dated .....

The licensee shall hold the licence subject to the following conditions:—

Conditions of licence.

1. The licence is being issued subject to the provisions of the West Bengal Cement Control Ordinance, 1948 (West Bengal Ordinance IX of 1948).

2. If the licensee intends to store cement in any place, premises or godown other than those already mentioned in the licence he shall intimate the address of such place, premises or godown to the Director of Consumer Goods, West Bengal, or any officer authorised by him in writing in this behalf and shall not store any cement in such place, premises or godown until it has been endorsed on the licence.

3. The licensee shall give all facilities to the Director of Consumer Goods, West Bengal, or any officer authorised by him in writing in this behalf to inspect the stock and accounts at any shop, godown or other place used by him for the storage of cement.

4. The licensee shall comply with all directions which may be given by the Provincial Government under section 3 of the West Bengal Cement Control Ordinance, 1948 (West Bengal Ordinance IX of 1948), or by any officer to whom the powers of the Provincial Government may be delegated under section 4 of the said Ordinance.

5. The licensee shall issue to every customer a true cash memorandum or credit note, as the case may be, giving his name, licence number and address, the date of the transaction, the quantity sold, the rate at which sold, the number and date of the written order under which sold and the salesman's signature and shall keep duplicate carbon copies of all such cash memoranda and credit notes arranged serially and chronologically to be available for inspection on demand by the Director of Consumer Goods, West Bengal, or any officer authorised by him in writing in this behalf and shall preserve such duplicate copies of cash memoranda or credit notes for one year from the date of issue.

6. If the licensee contravenes any of the provisions of the West Bengal Cement Control Ordinance, 1948 (West Bengal Ordinance IX of 1948) or any orders passed under section 3 of the Ordinance or any of the conditions subject to which he holds the licence, then without prejudice to any other action that may be taken against him his licence may be cancelled by the authority by which the licence was granted.

By order of the Governor,

R. S. KRISHNASWAMY

Secy. to the Govt. of West Bengal

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

No. 1200A.R.—17th August 1948.—In pursuance of sub-rule (5) of rule 9A of the West Bengal Legislative Assembly Electoral (Election Expenses and Election Petitions) Rules, 1947, the name of the person shown in the schedule below who, having been nominated as a candidate for the by-election to the West Bengal Legislative Assembly from the 24-Parganas Municipal (Urban) Muhammadan Constituency, *vice* Janab H. S. Suhrawardy whose seat was declared vacant under notification No. 636A.R., dated the 27th May 1948, and having acted as an election agent of himself has, in accordance with the decision given by the Governor under sub-rule (*4*) of the said rule, failed to lodge the return of election expenses within the time and in the manner required and has thereby incurred the disqualification for being chosen as, and for being, a member of the West Bengal Legislative Assembly under clause (*f*) of sub-section (1) of section 69 of the Government of India Act, 1935, and also the disqualification for voting at any election under paragraph 5 of Part IV of the Government of India (Provincial Elections) (Corrupt Practices and Election Petitions) Order, 1936, is hereby published:—

The Schedule.

Janab Nurul Huque Mali.

By order of the Governor,

M. A. T. IYENGAR, Jt. Sec

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 19th August 1948.

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FRIDAY, AUGUST 20, 1948.

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT
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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1405L.—17th August, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE CALCUTTA SHERIFF'S BILL, 1948.

A

BILL

to provide for certain matters relating to the office of the Sheriff of Calcutta.

WHEREAS it is expedient to provide for certain matters relating to the office of the Sheriff of Calcutta;

IT is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Calcutta Sheriff's Act, 1948.

(*2*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

Dofinition.

2. In this Act unless there is anything repugnant in the subject or context "prescribed" means prescribed by rules made under this Act.

Appointment of the Sheriff of Calcutta.

3. (*1*) The Sheriff of Calcutta (hereinafter referred to as the Sheriff) shall be appointed annually by the Governor from a panel of three persons to be nominated on the occasion of each vacancy by the High Court in Calcutta.

(*2*) The Sheriff shall hold office during the pleasure of the Governor and shall be entitled to such remuneration as the Governor may determine and no other remuneration.

Power of the High Court to control certain functions of the Sheriff.

4. Subject to the provisions of this Act, the Sheriff and his officer and servants shall carry out the orders of the High Court in Calcutta in the manner determined by the said Court.

Posts of officers and servants of the Sheriff to be civil posts under the Crown.

5. Notwithstanding anything contained in the Charter establishing the Supreme Court of Judicature at Fort William in Bengal, dated the twenty-sixth day of March 1774, or in any other law, the posts of Deputy Sheriff of Calcutta and of all such officers and servants (other than employees who are paid by the day) as may be employed for the proper performance of the duties of the Sheriff shall, on the commencement of this Act, be civil posts under the Crown in India.

The Calcutta Sheriff's Bill, 1948.

(Clauses 6—10.)

Indemnity.

6. The Sheriff and the Deputy Sheriff and their subordinates shall be exempt from liability in respect of all their acts or defaults done or committed while exercising or purporting to exercise their functions under this Act or for which they would have been liable but for this Act.

Liability of the Provincial revenues in certain cases.

7. (*1*) The revenues of the Province shall be liable to make good all sums required to discharge the liability mentioned in section 6.

(*2*) Nothing in sub-section (*1*) shall be deemed to render liable the revenues of the Province or any Sheriff, or Deputy Sheriff or any of their subordinates appointed after the commencement of this Act for anything done by, or under the authority of, any Sheriff or Deputy Sheriff before the commencement of this Act.

(*3*) Nothing in sub-section (*1*) shall prevent the Provincial Government from recovering any sum paid by it under that sub-section from the Sheriff, the Deputy Sheriff or any of their subordinates liable personally to pay such sum.

(*4*) Sums payable by the Provincial Government under sub-section (*1*) are hereby declared to be charged on the revenues of the Province.

Credit of fees to Provincial revenues.

8. The Sheriff shall transfer and pay to such authority, in such manner and at such times as may be prescribed, all fees realised by him or by any of his officers and servants after the date of the commencement of this Act, together with the balance standing on the said date to the credit of the account known as the "Sheriff's Account Number II", and such fees and balance shall be carried to the account and credit of the revenues of the Province.

The Sheriff's Pension Fund.

9. The Trustees of the fund known as "the Sheriff's Pension Fund" (hereinafter referred to as the Fund), maintained for the provision of pensions for the officers and servants employed by the Sheriff prior to the commencement of this Act, shall transfer and pay to such authority, in such manner and at such times as may be prescribed, the balance standing to the credit of the Fund at the date of the commencement of this Act, and such balance shall be carried to the account and credit of the revenues of the Province.

Pensions.

10. (*1*) All officers and servants previously employed by the Sheriff who, at the date of the commencement of this Act, are in receipt of pensions or entitled to gratuities in accordance with the rules of the Fund, shall be paid such pensions or gratuities out of the revenues of the Province.

(*2*) All officers and servants of the Sheriff, who are in his employment at the date of the commencement of this Act, shall, in respect of such employment prior to that date, be paid out of the revenues of the Province such pensions, gratuities and compensation as may be determined by the Provincial Government in accordance with the rules of the Fund:

Provided that such compensation, if any, shall not be less than that which, in similar circumstances and in accordance with the rules made in this behalf by the Provincial Government, would be admissible to persons in the service of the Provincial Government.

(*3*) Any dispute arising in connection with the amount of any pension, gratuity or compensation payable under sub-section (*1*) or sub-section (*2*) shall be referred to the West Bengal Public Service Commission, the decision of which shall be final and shall not be the subject-matter of any proceedings in any Court.

(*4*) All pensions payable under this section out of the revenues of the Province shall be so payable in all respects as pensions payable for service under the Provincial Government and shall be subject to the rules made in that behalf by the Provincial Government.

(*5*) If any officer or servant of the Sheriff is permanently re-employed in the service of the Provincial Government, his employment under the Sheriff shall, for the purposes of

The Calcutta Sheriff's Bill, 1948.

(Clause 11.)

the rules relating to pay and pensions, be deemed to have been service under the Provincial Government:

Provided that,—

(*a*) if any such officer or servant desires to elect to refund any gratuity or cease to draw any pension, as the case may be, and to count for future pension his employment under the Sheriff, he shall so elect immediately on being permanently re-employed; and

(*b*) if he so elects, any period of temporary service under the Provincial Government intervening between the date of the commencement of this Act and the date of such permanent re-employment shall not be considered as a break in service, but shall not count as service for the purposes of pension.

Explanation.—Where such election is made, the whole of the pension, both for employment under the Sheriff prior to the commencement of this Act and for service in such permanent re-employment under the Provincial Government, shall be calculated at the rates provided in the rules relating to the pensions of servants of the Provincial Government, and not at the rates provided in the rules of the Fund.

Power to make rules.

11. (*1*) The Provincial Government may make rules for carrying into effect the purposes of this Act in regard to those functions of the Sheriff which are discharged under the administrative control of the Provincial Government.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for,—

(*a*) the distribution of work between the Sheriff and the Deputy Sheriff;

(*b*) the authority referred to in sections 8 and 9 and the manner in which and the time at which the fees and balances referred to in these sections shall be transferred and paid;

(*c*) the safe custody and deposit of all monies, securities and other moveables which come into the hands of the Sheriff; and

(*d*) the accounts to be maintained by the Sheriff, and the audit and inspection thereof.

STATEMENT OF OBJECTS AND REASONS.

The question of reorganisation of the office of the Sheriff of Calcutta has been under the consideration of the Provincial Government for a long time. After protracted discussions with the Hon'ble High Court and the Sheriff of Calcutta the views which have been accepted by the Provincial Government with regard to this matter are as follows:—

(1) The posts of the Deputy Sheriff of Calcutta and all other officers and servants as may be employed for the proper performance of the duties of the Sheriff shall be civil posts under the Crown in India, and by rules to be made under the proposed Act these functions of the Sheriff which are discharged under the administrative control of the Provincial Government may be transferred to the Deputy Sheriff.

(2) The Sheriff, the Deputy Sheriff and their subordinates shall be exempted from liability in respect of all their acts of defaults, done or committed while exercising their functions under the proposed Act, and the revenues of the Province shall be liable to make good all sums required to discharge the said liability. This will not prevent the Provincial Government from realising any sums which it might have paid, from the Sheriff, the Deputy Sheriff, or their subordinates, liable personally to pay such sums.

(3) With effect from the date of provincialisation, the income of the Sheriff by way of fees shall be carried to the account and credit of the Provincial Government, the Provincial Government prescribing by rules the method of realising such fees. (The method will no doubt be in court-fee stamps.) The fund, known as the Sheriff's Pension Fund, maintained for the provision of pensions for the officers and servants employed by the Sheriff prior to provincialisation shall also be transferred to the revenues of the Province.

(4) All officers and servants of the Sheriff who are in receipt of pensions or are entitled to gratuities will be paid, on provincialisation, pension or gratuities out of the provincial revenues in accordance with the rules of the Pension Fund. Those officers whose services may be dispensed with on provincialisation will be paid such compensation as the Provincial Government may fix. Any disputes arising in connection with the payment of pension, gratuity or compensation will be referred to the Public Service Commission and the decision of the Commission will be final.

(5) The accounts of the Sheriff's office are to be kept in such form as may be prescribed by the Provincial Government.

(6) The audit of these accounts is to be carried out in the manner and by the agency to be prescribed by the Provincial Government.

2. The present Bill has been prepared for giving effect to the above proposals.

NIHARENDU DUTT-MAZUMDAR,
Member-in-charge.

CALCUTTA:
The 13th August, 1948.

By order of the Governor,
B. K. GUHA, Secy.

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1408L.—18th August, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following together with the Statement of Objects Reasons which accompanies it, in the *Cal Gazette*, the Bill and the Statement of Ob and Reasons are accordingly hereby publish general information:—

THE WEST BENGAL TAMARIND SEED POWDER CONTROL BILL, 1948.

A

BILL

to provide for the control of manufacture and distribution of tamarind seed powder.

WHEREAS it is expedient to provide for the control of manufacture and distribution of tamarind seed powder;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the West Bengal Tamarind Seed Powder Control Act, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "licence" means a licence under this Act;

(*2*) "licensing authority" means a licensing authority appointed under section 3 having jurisdiction in the area within which the place of manufacture of tamarind seed powder of a manufacturer or the place of business of a wholesaler is situated;

(*3*) "manufacturer" means a person who manufactures tamarind seed powder;

(*4*) "prescribed" means prescribed by rules made under this Act;

(*5*) "tamarind seed powder" means powder made from tamarind seed; and

(*6*) "wholesaler" means a person other than a manufacturer who carries on any business involving the buying or selling of tamarind seed or tamarind seed powder in quantities weighing one maund or more in any one transaction.

Licensing authorities.

3. The Provincial Government shall appoint one or more licensing authorities having jurisdiction in such areas within the Province as may be specified in each case by the Provincial Government.

Manufacturers and Wholesalers to have licences.

4. On and from such date as may be notified in this behalf in the *Official Gazette*,—

(*a*) no person other than a manufacturer who holds a valid licence, shall manufacture tamarind seed powder; and

(*b*) no person other than a wholesaler who holds a valid licence, shall buy or sell tamarind seed or tamarind seed powder in quantities weighing one

The West Bengal Tamarind Seed Powder Control Bill, 1948.

(Clauses 5—11.)

Issue of licences.

5. (*1*) Applications for licences shall be made in the prescribed form to the licensing authority and shall be accompanied by the prescribed fee.

(*2*) A separate application for a licence shall be made and a separate licence obtained for each distinct place of manufacture of tamarind seed powder of a manufacturer and for every distinct place of business of a wholesaler.

(*3*) The licensing authority may, for reasons to be recorded in writing, reject any application for a licence and in such case the applicant shall be entitled to a refund of the fee accompanying the application.

(*4*) Every licence shall contain such conditions and shall be in such form as may be prescribed and every manufacturer or wholesaler to whom a licence has been issued shall be bound to comply with the conditions mentioned in the licence.

Cancellation and suspension of licences.

6. The licensing authority may, at any time for reasons to be recorded in writing, cancel or suspend any licence.

Issue of duplicates.

7. (*1*) Where a licence is lost, destroyed, defaced or mutilated, a manufacturer or wholesaler may make an application to the licensing authority, in the prescribed form accompanied by the prescribed fee, for the issue of a duplicate of the licence.

(*2*) The licensing authority may in its discretion in such cases issue a duplicate of the licence or refuse to issue such duplicate and in case of refusal, the applicant shall be entitled to a refund of the fee accompanying the application.

Renewal of licences.

8. (*1*) Every licence shall be valid up to the 31st day of December next following the date of its issue and may at the discretion of the licensing authority be renewed for successive periods of one year on application made in that behalf in the prescribed form, accompanied by the prescribed fee.

(*2*) The licensing authority may, for reasons to be recorded in writing, refuse to renew a licence and in such cases the applicant shall be entitled to a refund of the fee accompanying the application.

Appeal.

9. (*1*) An appeal shall lie within the prescribed period to the prescribed officer,—

(*a*) from an order of a licensing authority under subsection (*3*) of section 5 rejecting an application for a licence;

(*b*) from an order of a licensing authority under section 6 cancelling or suspending any licence;

(*c*) from an order of a licensing authority under subsection (*2*) of section 7 refusing to issue the duplicate of a licence; and

(*d*) from an order of a licensing authority under subsection (*2*) of section 8, refusing to renew a licence.

(*2*) Every order passed on such appeal shall be final and conclusive.

Submission of periodical returns.

10. Every manufacturer or wholesaler shall submit to the licensing authority by the fifteenth day of each month a return in the prescribed form showing his receipts as well as disposal of tamarind seed or tamarind seed powder during the preceding month.

Books and accounts of stocks to be maintained and produced and inspection of premises to be permitted.

11. Every manufacturer or wholesaler shall,—

(*a*) maintain proper books, accounts and records relating to stocks of tamarind seed or tamarind seed powder;

(*b*) produce to the licensing authority or to any person authorised by it in writing in this behalf, such books, accounts or other records relating to his manufacture or business as may be demanded by [illegible] authority; and

The West Bengal Tamarind Seed Powder Control Bill, 1948.

(Clauses 12—14.)

(*c*) permit the licensing authority or any person authorised by it in writing in this behalf to enter upon and inspect any premises used for or in connection with his manufacture or business and to examine any books, accounts, records or things on such premises.

Punishment.

12. (*1*) Every person who contravenes the provisions of section 4, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

(*2*) Every manufacturer or wholesaler who contravenes the provisions of section 10 or section 11 or who fails to comply with the conditions mentioned in the licence as required under sub-section (*4*) of section 5, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

(*3*) Every manufacturer or wholesaler who makes a statement false in any material particular in any return submitted by him under section 10 or in any book, record or other record produced under paragraph (*b*) of section 11, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Bar of proceedings.

13. No suit, prosecution or other legal proceeding shall lie against any servant of the Crown for anything which is in good faith done or intended to be done under this Act or under any rules made thereunder.

Power to make rules.

14. (*1*) The Provincial Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the form in which an application for a licence under sub-section (*1*) of section 5 or an application for a duplicate of a licence under section 7 or an application for the renewal of a licence under sub-section (*1*) of section 8 shall be made and the fee with which such application shall be accompanied;

(*b*) the form of licences and the conditions contained therein;

(*c*) the period within which and the officer to whom an appeal under section 9 shall be made; and

(*d*) the form in which returns under section 10 shall be submitted.

STATEMENT OF OBJECTS AND REASONS.

With a view to eliminating the possibility of tamarind seed or tamarind seed powder being used as a food adulterant, the trade in tamarind seed and tamarind seed powder should be controlled by the introduction of a licensing system. The manufacturers and wholesale dealers of tamarind seed powder should submit periodical returns showing the acquisition and disposal of tamarind seed by them.

The Bill has been drafted with these objects in view.

CALCUTTA:
The 19th April, 1948.

PRAFULLA CHANDRA SEN,
Member-in-charge.

By order of the Governor,
B. K. GUHA, Secy.

Printed and published by the Superintendent, Government Printing, West Bengal,
at West Bengal Government Press, Alipore.

Calcutta Gazette

Extraordinary

Published by Authority

FRIDAY, AUGUST 20, 1948

[I—Orders and Notifications by the Governor of W Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATIONS.

No. 1230A.R.—19th August 1948.—The Governor is pleased to appoint the following members of the West Bengal Legislative Assembly to be Parliamentary Secretaries with effect from 1st August 1948:—

Sri Banku Behari Mandal, M.L.A.

Sri Krishna Prasad Mandal, M.L.A.

No. 1241A.R.—20th August 1948.—The following is published for general information:—

WEST BENGAL LEGISLATIVE ASSEMBLY.

West Dinajpur-cum-Malda (Rural) General Constituency.

Final list of candidates for election.

Serial No., name of candidate, address of candidate and symbol assigned to the candidate, if any.

1 Barman, Syam Prasad—Post office Raiganj (West Dinajpur)—Hurricane Lamp.

2 Barma, Sarat Chandra—Post office and village Patiram, police-station Balurghat, district West Dinajpur—Cart.

B—Names marked with dagger † are of the candidates for the seat reserved for members of the Scheduled Castes.

Serial No., name of candidate, address of candidate and symbol assigned to the candidate if any.

3 Chatterjee, Nripati Bhusan—Post office Balurghat, police-station Balurghat, district West Dinajpur—Axe.

4 Roy, Kiran Sankar—47, European Asylum Lane, Calcutta—Boat.

5 Roy, Ramhari—Post office and village Harishchandrapur, district Malda—Bicycle.

Note.—The poll will be taken on the 29th day of August 1948 between the hours of 9-30 a.m. and 5-30 p.m. with an interval of rest between the hours of 12-30 p.m. and 2 p.m. at the polling stations to be notified separately.

JALPAIGURI,
The 19th August 1948.

N. C. GHOSH,
for *Returning Officer*

By order of the Governor
M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Printing, Bengal, at West Bengal Govt. Press, Alipore, on the 20th August

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT
THE RECORD
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Calcutta Gazette

Extraordinary

Published by Authority

SATURDAY, AUGUST 21, 1948

PART I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATIONS.

No. 10139D.C.S.—21st August 1948.—In exercise of the powers conferred by clause (*h*) of West Bengal Cement Control Ordinance, 1948, the Governor is pleased to authorise the following officers to enter and search any premises, vehicle, vessel or aircraft where any such officer has reason to believe that cement is being stored or disposed of in contravention of an order made under paragraph 3 of the West Bengal Cement Control Ordinance, 1948, and to seize any cement in respect of which such officer has reason to believe that a

contravention of the order has been, is being, or about to be committed:—

(*a*) Director of Consumer Goods, Calcutta.
(*b*) Additional Director of Consumer Goods, Calcutta.
(*c*) Assistant Directors of Consumer Goods, Calcutta.
(*d*) District and Subdivisional Controllers of Civil Supplies.
(*e*) Chief Inspectors and Inspectors of Civil Supplies.
(*f*) All Police Officers above the rank of Assistant Sub-Inspector.

No. 10440D.C.S.—21st August 1948.—In exercise of the powers conferred by paragraph 1 of the West Bengal Cement Control Ordinance, 1948, the Governor is pleased to delegate to the District Controllers of Civil Supplies and Subdivisional Controllers of Civil Supplies within their respective jurisdiction, the powers under clauses (*c*) and (*e*) of paragraph 3(2) of the West Bengal Cement Control Ordinance, 1948.

No. 10441D.C.S.—21st August 1948.—In exercise of the powers conferred by paragraph 4 of the West Bengal Cement Control Ordinance, 1948, the Governor is pleased to delegate to the Director of Consumer Goods, Calcutta, the powers under clauses (*d*), (*e*), (*f*), and (*g*) of paragraph 3(2) of the West Bengal Cement Control Ordinance, 1948.

By order of the Governor,
R. S. KRISHNASWAMY,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Govt. Ptg., West Bengal, at West Bengal Govt. Press, Alipore, on the 21st August 1948.

The

Calcutta Gazette

Extraordinary

Published by Authority

SATURDAY, AUGUST 21, 1948

ART I—Orders and Notifications by the Governor of st Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

No. 125A.R.—21st August 1948.—The following der is published for general information :—

"Order.

In exercise of the power conferred by clause (*a*) sub-section (2) of section 62 of the Government India Act, 1935, I hereby summon the Legisive Assembly of West Bengal to meet at 4 p.m. Monday, the 6th September 1948, in the Legisive Chamber, Calcutta.

KAILAS NATH KATJU,
Governor of West Bengal."

CALCUTTA,
21st August 1948.

By order of the Governor,
M. A. T. IYENGAR,
Jt. Secy. to the Govt. of West Bengal.

HOME DEPARTMENT

Press.

NOTIFICATION.

No. 831Pr.—21st August 1948.—In exercise of the power conferred by section 19 of the Indian Press (Emergency Powers) Act, 1931 (XXIII of 1931), the Governor is pleased to declare all copies wherever found, of the leaflet in Bengali entitled "Congressi Sarkarer Jaile Communist Neta Comrade Bharadwajer Mrityu Na Hatya?" (Death or murder of the Communist leader comrade Bharadwaj in the jail of Congress Government) published by Sri Abinash Saha from 121, Lower Circular Road, Calcutta, and all other documents containing copies, reprints or translations of, or extracts from, the said leaflet to be forfeited to His Majesty, on the ground that the said leaflet contains matter of the nature described in clauses (*c*) and (*d*) of sub-section (*1*) of section 4 of the said Act.

By order of the Governor,

P. C. ACHARJI,

Dy. Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Govt. Ptg., West Bengal, at West Bengal Govt. Press, Alipore, on the 21st August 1948.

The Calcutta Gazette

Extraordinary

Published by Authority

MONDAY, AUGUST 23, 1948

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION

No. 1129L. 21st August, 1948. The Governor having been pleased to order, under rule 17 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:

THE CALCUTTA AND SUBURBAN POLICE (AMENDMENT) BILL, 1948.

A

BILL

further to amend the Calcutta Police Act, 1866, and the Calcutta Suburban Police Act, 1866.

WHEREAS it is expedient further to amend the Calcutta Police Act, 1866, and the Calcutta Suburban Police Act, 1866, for the purpose and in the manner hereinafter appearing; Bom. Act IV of 1866. Bom. Act II of 1866.

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Calcutta and Suburban Police (Amendment) Act, 1948.

Insertion of new section 61A in Bengal Act IV of 1866.

2. After section 61 of the Calcutta Police Act, 1866, the following section shall be inserted, namely:—

"61A. (*1*) With the previous sanction of the Provincial Government, the Commissioner of Police may, from time to time, by notification in the *Official Gazette*, prescribe the types of vehicles which shall not be driven or used in streets or public places.

Power of Commissioner to prohibit the use or the driving of certain types of vehicles in streets or public places.

(*2*) Whoever uses or drives in a street or public place a vehicle of a type the use or driving of which has been prohibited under sub-section (*1*) shall be liable to fine which may extend to five hundred rupees, and the vehicle in respect of which the offence has been committed shall be forfeited to the Crown."

Insertion of new section 38A in Bengal Act II of 1866.

3. After section 38 of the Calcutta Suburban Police Act, 1866, the following section shall be inserted, namely:—

"38A. (*1*) With the previous sanction of the Provincial Government, the Commissioner of Police may, from time to time, by notification in the *Official Gazette*, prescribe the types of vehicles which shall not be driven or used in streets or public places within such limits as may be specified in this behalf by the Commissioner of Police in the said notification.

Power of Commissioner to prohibit the use or the driving of certain types of vehicles in streets or public places.

The Calcutta and Suburban Police (Amendment) Bill, 1948.

(Clause 3.)

(2) Whoever uses or drives in a street or public place within the limits specified under sub-section (*1*), a vehicle of a type the use or driving of which has been prohibited under that sub-section, shall be liable to fine which may extend to five hundred rupees, and the vehicle in respect of which the offence has been committed shall be forfeited to the Crown."

STATEMENT OF OBJECTS AND REASONS.

Both the Calcutta Police Act 1866 (Bengal Act IV of 1886) and the Calcutta Suburban Police Act 1866 (Bengal Act II of 1886) contain provisions to regulate traffic, but there is no provision in either of these Acts to prohibit the use of any unsuitable type of vehicle on the roads. In order to prevent vehicles (for example, cycle-rickshaws) which might be a danger to other traffic from coming on to the roads of Calcutta and its suburbs, the present Bill has been drafted which aims at making provision for the banning of such vehicles.

CALCUTTA;
The 20th August, 1948.

B. C. ROY,
Member-in-charge.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

NOTIFICATION.

No. 1430L.—21st August, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE CALCUTTA HACKNEY-CARRIAGE (AMENDMENT) BILL, 1948.

A

BILL

further to amend the Calcutta Hackney-carriage Act, 1919.

WHEREAS it is expedient further to amend the Calcutta Hackney-carriage Act, 1919, for the purpose and in the manner hereinafter appearing; Ben. Act I of 1919.

It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Calcutta Hackney-carriage (Amendment) Act, 1948.

Amendment of section 1 of Bengal Act I of 1919. **2.** To sub-section (*3*) of section 1 of the Calcutta Hackney-carriage Act, 1919 (hereinafter referred to as the said Act), the following proviso shall be added, namely:— Ben. Act I of 1919.

"Provided that nothing in this Act shall apply in Calcutta to any type of vehicle the driving or use of which has been prohibited with the previous sanction of the Provincial Government by the Commissioner of Police under section 61A of the Calcutta Police Act, 1866, and section 38A of the Calcutta Suburban Police Act, 1866. Ben Act IV of 1866. Ben. Act II of 1866.

Explanation.- In this proviso,--

(*1*) 'Calcutta' means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866;

(*2*) 'streets' and 'public places' have the same meanings as in the Calcutta Police Act, 1866, and the Calcutta Suburban Police Act, 1866."

Amendment of section 4. **3.** In section 4 of the said Act,—

(*a*) to clause (*1*) the following words shall be added, namely:—

"or, where the rickshaw is a cycle-rickshaw, any person employed to actuate the cycle-rickshaw";

(*b*) in clause (*2*) after the word "means", the words "subject to the provisions of the proviso to sub-section (*3*) of section 1 and" shall be inserted; and

(*c*) in clause (*8*) after the word "men" the following words shall be inserted, namely:—

"and includes a three-wheeled vehicle for the conveyance of passengers, ordinarily known as a cycle-rickshaw, which is actuated by a man by means of a pedal-cycle mechanism"

Amendment of section 70.

4. To section 70 of the said Act, the following provisos shall be added, namely:—

"Provided that the Registering Officer may cancel, or suspend for such period as he thinks fit, the registration of a rickshaw if in his opinion the type of the rickshaw has been so altered as to render it different from that in respect of which registration was made:

Provided further that in any area included in Calcutta under clause (*b*) of section 2, the functions of the Registering Officer shall be performed by an Officer appointed by the Commissioners of the Municipality comprising such area and the said officer shall forward to the Deputy Commissioner of Police referred to in sub-section (*1*) of section 6 all papers relating to registration for record after they have been duly dealt with."

STATEMENT OF OBJECTS AND REASONS.

At present there is no control over cycle-rickshaws, which are appearing in increasing numbers in the suburbs of Calcutta and in mufassal towns, because cycle-rickshaws do not come within the definition of "rickshaw" in the Calcutta Hackney-carriage Act, 1919, which has been extended to other municipal areas. In order that some control may be exercised over the use of cycle-rickshaws (and also to enable municipal authorities to levy a tax on them) it is necessary to amend the Calcutta Hackney-carriage Act, 1919 (Bengal Act I of 1919). This Bill has been drafted which aims at making the necessary provision.

CALCUTTA;
The 20th August, 1948.

B. C. ROY,
Member-in-charge.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 23rd August 1948.

12. When a tenant can get the benefit of protection against eviction

The

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MONDAY, AUGUST 23, 1948

Part I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION.

No. 10491D.C.S.—23rd August 1948.—In exercise of the powers conferred by clause (*b*) of paragraph 3(2) of the West Bengal Cement Control Ordinance, 1948, the Governor is pleased to fix the following prices at which cement may be sold in Calcutta :—

(a) The price of Portland cement which is not imported by sea shall be Rs. 87-9 per ton ex-godown exclusive of Bengal Sales Tax

(*b*) The price of Portland cement imported by Messrs. Dalmia Cement and Paper Marketing Co., Ltd., by S.S. "Firoza" and S.S. "Icona" shall be Rs. 177-8 per ton ex-godown exclusive of Bengal Sales Tax.

By order of the Governor,

R. S. KRISHNASWAMY,
Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Printing, Bengal, at West Bengal Govt. Press, Alipore, on the 23rd August

The Calcutta Gazette

Extraordinary

Published by Authority

TUESDAY, AUGUST 24, 1948.

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

, 1131L.—21st August, 1948.—The Governor ıg been pleased to order, under rule 47 of the Bengal Legislative Assembly Procedure , the publication of the following Bill, her with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL PREMISES RENT CONTROL (TEMPORARY PROVISIONS) BILL, 1948.

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Clause.

1. Short title, commencement, extent and duration.
2. Definitions.

Chapter II—Provisions regarding rent and *salami*.

3. Restriction on the increase of rents.
4. Premium, *salami* or fine not to be claimed, received or asked for or advance of more than one month's rent not to be claimed or received.
5. Exception in the case of long leases for purposes of development.
6. Restriction on the sale of furniture in any premises let to a tenant.
7. Refund of rent, premium, *salami*, etc., not recoverable under the Act.
8. Grant of certificate of standard rent by the Controller.
9. Cases in which standard rent shall be fixed by the Controller.
10. Date on which standard rent fixed by the Controller takes effect.

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11. No order for ejectment ordinarily to be made if rent paid at allowable rate.
12. When a tenant can get the benefit of protection against eviction.
13. Special provision for tenancies for not less than ten years.
14. Meaning of allowable rent.
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23. Revision of fair rate and number of lodgers.
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25. Agreement for payment of charges in excess of fair rate.
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39 Taking of measures by the tenant in case of emergency.

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44. Controller to be a public servant.

45 Repeal and saving.

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The Schedule.

Part A.

Part B.

THE WEST BENGAL PREMISES RENT CONTROL (TEMPORARY PROVISIONS) BILL, 1948.

A

BILL

to make better provision for the control of rents of premises in Calcutta and in certain other areas in West Bengal.

WHEREAS it is expedient to make better provision for the control of rents of premises in Calcutta and in certain other areas in West Bengal;

It is hereby enacted as follows:

CHAPTER I.

PRELIMINARY.

Short title, commencement, extent and duration.

1. (*1*) This Act may be called the West Bengal Premises Rent Control (Temporary Provisions) Act, 1948.

(*2*) It shall come into force on such date as the Provincial Government may, by notification, appoint.

(*3*) It extends to the whole of Calcutta and to all areas which have been or may hereafter be constituted municipalities under the provisions of the Bengal Municipal Act, 1932: Ben. Act XV of 1932.

Provided that the Provincial Government may, by notification, extend this Act or any specified part thereof to any other area specified in the notification if the Provincial Government is satisfied that the area contains a number of inhabitants not less than the number required under clause (*a*) of the proviso to sub-section (*1*) of section 6 of the Bengal Municipal Act, 1932 for the area to be declared a municipality and that three-fourths of the adult male population of the area are chiefly employed in pursuits other than agriculture:

Provided further that the Provincial Government may, by notification, direct that this Act or any specified part thereof shall not apply to any such area or to any such class of premises as may be specified in such notification and if any question arises as to whether, or not, any premises come within such area or class, the decision of the Provincial Government thereon shall be final.

(*4*) It shall, in the first instance, remain in force up to the 31st day of March, 1950, but if, and so often as, a resolution approving its continuance for any further period is passed by the Provincial Legislature, it shall continue in force for such further period, so, however, that it shall not, in any case, continue in force after the 31st day of March, 1953:

Provided that the expiration of this Act shall not render recoverable any sum which during the continuance thereof was irrecoverable or affect the right of a tenant to recover any sum which during the continuance of this Act was recoverable by him thereunder.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Calcutta" has the same meaning as in clause (*11*) of section 3 of the Calcutta Municipal Act, 1923; Ben. Act III of 1923.

(*2*) "Controller" means a Controller appointed under sub-section (*1*) of section 28 and includes an Additional Controller and a Deputy Controller appointed under sub-section (*2*) of that section;

(*3*) "hotel or lodging house" means an establishment where lodging with or without board or other service is provided for a monetary consideration;

(*4*) "landlord" means any person who for the time being is receiving, or is entitled to receive, the rent of any premises whether on his own account or on account, or on behalf, or for the benefit, of any other person, or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent if the premises were let to a tenant and includes a legal representative, as defined in the Code of Civil Procedure, 1908, of the landlord; Act V of 1908.

(*5*) "manager of a hotel" includes any person in charge of the management of a hotel;

(*6*) "notification" means a notification published in the

(7) "owner of a lodging house" includes any person who receives, or is entitled to receive, whether on his own account, or on account, or on behalf, or for the benefit of himself and others, or as an agent, trustee, guardian or receiver for any other person, any monetary consideration from any person on account of board or lodging or other service;

(8) "premises" means any building or part of a building or any hut or part of a hut let separately and includes—

(*a*) the gardens, grounds and out-houses (if any) appertaining to such building or part of a building or hut or part of a hut,

(*b*) any furniture supplied or any fittings affixed by the landlord for use in such building or part of a building or hut or part of a hut,

but does not include a room or part of a room or other accommodation in a hotel or lodging house or a stall in a municipal market as defined in clause (*44*) of section 3 of the Calcutta Municipal Act, 1923, or in any other market maintained by or belonging to a local authority or a stall let at variable rents at different seasons of the year for the retail sale of goods in any other market as defined in clause (*39*) of section 3 of the Calcutta Municipal Act, 1923, or clause (*30*) of section 3 of the Bengal Municipal Act, 1932; Ben. Act. XV of 1932.

(9) "prescribed" means prescribed by rules made under this Act;

(10) "standard rent" in relation to any premises means—

(*a*) where the rent of any premises has been fixed under section 9, the rent so fixed;

(*b*) where the rent has not been so fixed, the standard rent determined in accordance with the provisions of the Schedule;

(11) "tenant" means any person by whom, or on whose account, rent is, or but for a special contract would be, payable for any premises and includes a legal representative, as defined in the Code of Civil Procedure, 1908, and a person continuing in possession after the termination of a tenancy in his favour. Act V of 1908.

CHAPTER II.

PROVISIONS REGARDING RENT AND *salami*.

Restriction on the increase of rents.

3. (*1*) Subject to the provisions of this Act, where the rent of any premises has been or is hereafter during the continuance of this Act, increased so as to exceed the standard rent, the amount of such excess shall, notwithstanding any agreement to the contrary, be irrecoverable:

Provided that nothing in this sub-section shall apply to any periodical increment of rent accrued due under any written agreement entered into before the first day of December, 1941.

(*2*) For the purposes of sub-section (*1*), the rent shall be deemed to have accrued from day to day.

Premium, *salami* or fine not to be claimed, received or asked for or advance of more than one month's rent not to be claimed or received.

4. No person shall, in consideration of the grant, renewal or continuance of a tenancy of any premises,—

(*a*) claim, receive, or invite offers, or ask for the payment of, any premium, *salami*, fine or any other like imposition in addition to the rent, or

(*b*) except with the previous written consent of the Controller, claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance.

Exception in the case of long leases for purposes of development.

5. Notwithstanding anything contained in section 4, a landlord may receive a premium or *salami* or other like sum in addition to the rent in respect of any premises which are let on a lease for a period of not less than twenty years for the purposes of development by the lessee either by building or rebuilding if the period limited by the lease is not

expressed to be terminable at the option either of the landlord or of the tenant at any time within a period of five years from the date of commencement of the period so limited:

Provided that the rent payable for the premises during the continuance of this Act shall not exceed the standard rent.

Restriction on the sale of furniture in any premises let to a tenant.

6. (*1*) No person shall make the purchase of any furniture in any premises a condition of the grant, renewal or continuance of a tenancy of such premises and no person shall sell the furniture in any premises of which he is the landlord to the tenant of such premises or to any person to whom the premises are afterwards let except under a permit in the prescribed form from the Controller.

(*2*) No landlord shall be entitled to recover as the price of any furniture in any premises on sale of such furniture to the tenant of such premises or to any person to whom the premises are afterwards let, any sum in excess of the market-value of such furniture; and the Controller may, on application made to him by any person interested and on payment of the prescribed fee, determine the market-value of such furniture recoverable under this sub-section.

Refund of rent, premium, *salami*, etc., not recoverable under the Act.

7. (*1*) Where any sum has been paid on or after the date of the commencement of this Act or within a period of six months before such date in respect of the occupation of any premises,—

(*a*) on account of rent, being a sum which is by reason of the provisions of this Act irrecoverable, or

(*b*) as premium, *salami*, fine or other like imposition in addition to the rent or as rent in advance, the claiming or the receiving of which is prohibited under this Act, or

(*c*) on account of price of any furniture in such premises, being a sum which is in excess of the market-value of such furniture and the recovery of which is prohibited under this Act,

the Controller may, on application made to him in this behalf at any time within a period of six months from the date of such payment by the tenant by whom such payment was made, order the landlord by whom such payment was received to refund such sum to such tenant or, at the option of such tenant, order the adjustment of any sum so paid in any other manner.

(*2*) An order of refund passed by the Controller under sub-section (*1*) shall be executed by the Court having jurisdiction to entertain a suit for the recovery of arrears of rent in respect of the premises in relation to which the sum ordered to be refunded was paid as if such order of refund were a decree of that Court.

Grant of certificate of standard rent by the Controller.

8. The Controller shall, on application made to him by any landlord or tenant, grant a certificate stating the standard rent referred to in sub-clause (*b*) of clause (*10*) of section 2, of any premises let or rented by such landlord or tenant, as the case may be.

Cases in which standard rent shall be fixed by the Controller.

9. In any of the following cases, the Controller shall, on application made to him by any landlord or tenant, fix the standard rent of the premises at such amount as, having regard to the provisions of this Act and the circumstances of the case including the municipal rates, taxes or cesses payable in respect of the premises, he deems just—

(*a*) where any premises have been or are erected after the first day of October, 1946;

(*b*) where by reason of any premises having been let at one time as a whole, and at another time in parts, or where for any other reason, any difficulty arises in giving effect to this Act;

(*c*) where any premises have been or are let rent-free, or at a nominal rent, or for some consideration in addition to rent;

(*d*) where some addition, improvement or alteration not included in necessary repairs or repairs which are usually made to premises in the locality, has been made at any time after the first day of October, 1946, to any premises at the landlord's

(*e*) where any furniture has been supplied on or after the first day of October, 1946, by the landlord for use in any premises or where any premises which were let without any furniture on or after the said date are subsequently let furnished;

(*f*) where there has been an increase in the municipal rates, taxes or cesses in respect of any premises;

(*g*) where for any other sufficient cause the rent at which the premises were let on the first day of October, 1946, or at which the premises are for the time being let is not, in the opinion of the Controller, just and fair; or

(*h*) where the provisions of sub-section (*4*) of section 11 or of section 13 apply and there is a dispute about the rent or the apportionment of rent:

Provided that in fixing the standard rent,—

(*i*) under clause (*a*) the Controller shall take into account the prevailing rate of rent in the locality for similar accommodation with similar advantages and amenities;

(*ii*) under clause (*d*), the Controller shall not increase the rent by more than *ten per centum per annum* of the amount expended on the addition, improvement or alteration made to the premises; and

(*iii*) under clause (*e*), the Controller shall take into consideration the market-value on the date on which the standard rent is so fixed of the furniture supplied.

Date on which standard rent fixed by the Controller takes effect.

10. In every case in which the Controller fixes the standard rent, or in fixing the standard rent allows any increase in the rate of rent payable, in respect of any premises, he shall appoint a date from which the standard rent so fixed or the increase so allowed shall be deemed to have effect and such date may be any date anterior to the date of any order of the Controller under this section if the Controller deems such anterior fixation of the date just and proper in the circumstances of the case:

Provided that where the standard rent is fixed under clause (*f*) of section 9 such standard rent shall be deemed to have effect from the date on which the increase in the municipal rates, taxes or cesses came into force.

CHAPTER III.

Suits and proceedings for eviction.

No order for ejectment ordinarily to be made if rent paid at allowable rate.

11. (*1*) Notwithstanding anything contained in the Transfer of Property Act, 1882, the Presidency Small Cause Courts Act, 1882, or the Indian Contract Act, 1872, no order or decree for the recovery of possession of any premises shall be made as long as the tenant pays to the full extent the rent allowable by this Act and performs the conditions of the tenancy: IV of 1882. XV of 1882. IX of 1872.

Provided that nothing in this sub-section shall apply,—

(*a*) where the tenant has done any act contrary to the provisions of clause (*m*), clause (*o*) or clause (*p*) of section 108 of the Transfer of Property Act, 1882, or

(*b*) where the tenant has sublet, or otherwise transferred his interest in, the premises—

(*i*) for a period exceeding six months and to the extent either of the whole or a major portion of the premises, or

(*ii*) in any manner in contravention of the terms of a contract in writing expressly prohibiting such subletting or transfer; or

(*c*) where the tenant has been using the premises or allowing the premises to be used for immoral or illegal purposes, or

(*d*) where the condition of the premises has materially deteriorated owing to acts of waste by, or negligence or default of, the tenant or any person residing with the tenant, or

(*e*) where the tenant has been guilty of conduct which is a nuisance or an annoyance to adjoining or neighbouring

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(*f*) where the premises are *bona fide* required by the landlord either for purposes of building or rebuilding, or for his own occupation or for the occupation of any person for whose benefit the premises are held, or

(*g*) where the landlord can show any cause which may be deemed satisfactory by the Court.

(*2*) The fact that the period of the lease of the tenant has expired, or that the interest of the landlord in the premises has been transferred, shall not of itself be deemed to be a satisfactory cause within the meaning of clause (*g*) of the proviso to sub-section (*1*) provided that the tenant is ready and willing to pay to the full extent the rent allowable by this Act.

(*3*) Notwithstanding anything contained in this Act or in any other law for the time being in force, it shall not be lawful after the commencement of this Act, for a tenant inferior to a tenant of the first degree to let in whole or in part the premises let to him except with the consent of the landlord and of the tenants of a superior degree above him.

Explanation.—In this sub-section

(*a*) "a tenant of the first degree" means a tenant who does not hold under any other tenant;

(*b*) "a tenant inferior to a tenant of the first degree" means a tenant holding immediately or mediately under a tenant of the first degree;

(*c*) "landlord" means the landlord of a tenant of the first degree.

(*4*) Any person to whom any premises or any part thereof have been or has been lawfully sublet by a tenant shall, where the interest of the tenant in such premises or part is lawfully determined otherwise than by virtue of a decree or order obtained by the landlord on any of the grounds specified in clause (*f*) of the proviso to sub-section (*1*), be deemed to be a tenant in respect of such premises or part, as the case may be, holding directly under the landlord on the terms and conditions on which the tenant would have held under the landlord if the interest of the tenant had not been so determined:

Provided that it shall be competent for the landlord, or any person deemed under this sub-section to be a tenant holding directly under the landlord, to make an application under section 9 to the Controller for fixing the standard rent of the premises or part thereof in respect of which such person is so deemed to be a tenant and until any standard rent is fixed by the Controller on such application such person shall be liable to pay to the landlord the same rent as was payable by him in respect of the premises or part thereof, as the case may be, to the tenant before the interest of the tenant therein had been determined.

When a tenant can get the benefit of protection against eviction.

12. (*1*) No tenant shall be entitled to the benefit of section 11 in respect of any premises unless—

(*a*) he pays the rent allowable by this Act and due by him in respect of such premises to the full extent within the time fixed in the contract with his landlord or, in the absence of such contract, by the fifteenth day of the month next following that for which the rent is payable, and

(*b*) in the case where any rent has accrued due before the commencement of this Act, he also pays within one month after the date of such commencement all arrears of rent allowable by this Act and due by him in respect of such premises to the full extent together with, where the arrears are already the subject-matter of a suit or proceeding before a Court or of any decree or order of Court, interest thereon at the rate of six and a quarter *per cent per annum* and such costs as the Court may award, and

(*c*) in the case where the Controller has, in fixing the standard rent, allowed any increase in the rate of rent payable in respect of such premises with effect from any date earlier than the date of the order, he pays also the amount that has become

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(Chapter III.—Suits and proceedings for eviction.—Clauses 13—15.)

any period preceding the date of such order, to the full extent and within the time specified in this behalf by the Controller or, in the absence of any such specification, within one month of the date of such order, or

where the landlord refuses to accept any rent referred to in clause (*a*), clause (*b*) or clause (*c*), or where there is a *bona fide* doubt or dispute as to the person who is entitled to receive such rent, unless the tenant deposits such rent and all subsequent rent allowable by this Act which becomes due in respect of such premises as provided in section 19 together with, in the case mentioned in clause (*b*) of sub-section (*1*) of that section, the cost of transmission referred to in that clause within the time specified in that section.

Explanation.—A landlord shall not for the purposes of this section be deemed to have refused to accept any rent unless the rent is remitted within the period referred to in clause (*a*) or clause (*b*) or clause (*c*), as the case may be, of this section by postal money order to the address of the landlord and the rent so remitted is returned to the tenant by the postal authorities as undelivered either on account of the landlord having refused to accept payment thereof or for any other cause.

(*2*) Subject to the provisions of sub-section (*3*), no suit or proceeding instituted against a tenant after the commencement of this Act for the recovery of possession of any premises on the ground of default in making any payment or deposit referred to in sub-section (*1*) shall be further proceeded with if, within one month from the date of service of process on the tenant, he pays through the Court all arrears of rent allowable by this Act up to date together with interest thereon at the rate of six and a quarter *per cent. per annum* and such costs as the Court may award.

(*3*) Notwithstanding anything contained in this Act or in any other law for the time being in force, if for three consecutive months after any rent payable by a tenant in respect of any premises has accrued due the tenant fails to pay or deposit such rent in accordance with the provisions of this Act, the interest of the tenant in such premises shall on such failure be *ipso facto* determined and he shall no longer be deemed to be a tenant.

Special provision for tenancies for not less than ten years.

13. Notwithstanding anything contained in this Act or in any other law for the time being in force, where a tenant has sub-let in whole or in part any premises let to him for a period of not less than ten years, and such period expires on or after the 1st day of October, 1946, the tenant shall not be entitled to the benefit of section 11 in respect of such premises to the extent to which they have been so sublet and in such case the person to whom the premises have been sublet shall be deemed to be a tenant holding directly under the landlord on the terms and conditions on which he held under the tenant in so far as such terms and conditions are consistent with the circumstances of the case and with the provisions of this Act.

Meaning of "allowable rent".

14. For the purposes of sections 11 and 12 the rent allowable by this Act in relation to any premises, means—

(*a*) where a certificate has been granted by the Controller under section 8, the standard rent stated in such certificate, or

(*b*) where the standard rent has been fixed under section 9, the standard rent so fixed, or

(*c*) where no certificate has been granted under section 8 and no standard rent has been fixed under section 9, the rent agreed upon between the landlord and the tenant omitting the excess, if any, over the standard rent.

When a tenant is entitled to restoration of possession and compensation.

15. Where the landlord recovers possession on the ground that the premises are *bona fide* required by him for purposes of building or re-building or for his own occupation or for the occupation of any person for whose benefit the premises are held, and the building or the re-building of the premises is not commenced, or the premises are not occupied by the landlord or such person within two months of the date of recovery of the premises [illegible]

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or the premises, having been so occupied, are re-let within six months of the said date to any person other than the previous tenant without the permission of the Controller obtained in the prescribed manner, the Controller may, on the application of the previous tenant made within seven months of his vacating the premises, by order, direct the landlord to put the previous tenant in possession of the premises or to pay him such compensation as may be fixed by the Controller, or both:

Provided that the Controller may, on the application of the landlord, extend the period within which the building or the rebuilding of the premises is to be commenced, up to two months at a time and six months in all.

Special provisions regarding certain suits or proceedings triable by Court of Small Causes of Calcutta.

16. (*1*) Notwithstanding anything contained in any other law for the time being in force, no suit or proceeding by a landlord against a tenant for the recovery of rent or possession of any premises which the Court of Small Causes of Calcutta is competent to try shall be instituted in, or tried by, any Court other than the said Court of Small Causes of Calcutta.

(*2*) Notwithstanding anything contained in the Presidency Small Cause Courts Act, 1882 or in any rule made thereunder, an appeal from a decree or order of the Court of Small Causes of Calcutta in a suit or proceeding referred to in sub-section (*1*) shall, if presented within thirty days from the date of the decree or order, as the case may be, lie to a bench of three Judges of the said Court which shall not include the Judge who made such decree or order. XV of 1882.

(*3*) In the event of a difference of opinion among the Judges sitting in appeal under sub-section (*2*), the opinion of the majority of such Judges shall prevail.

Special procedure for suits and proceedings for eviction of tenants.

17. (*1*) Notwithstanding anything contained in any other law for the time being in force, in every suit or proceeding for the recovery of possession of any premises on one or more of the grounds specified in the proviso to sub-section (*1*) of section 11 or on the ground of non-compliance with the provisions of this Act regarding payment or deposit of rent the Court shall at the first hearing of such suit or of the application out of which such proceeding has arisen, or as soon as may be thereafter, after giving the parties an opportunity of being heard and considering any affidavits which they may file, decide first if the ground on which the suit or proceeding has been based exists:

Provided that the decision made under this sub-section shall form a part of the decree or order finally disposing of the suit or proceeding, as the case may be, and shall not be subject to any separate appeal or revision.

(*2*) If the decision referred to in sub-section (*1*) is sufficient for the final disposal of the suit or proceeding the Court may pronounce judgment or pass orders accordingly, but if the decision is not sufficient for such final disposal, the Court shall adjourn the further hearing of such suit or proceeding for the production of such further evidence or for such further argument as may be necessary for the final disposal of such suit or proceeding.

Explanation.—In this section "proceeding" does not include an execution proceeding.

Power of Court to rescind or vary decrees and orders in certain cases.

18. Where any decree or order for the recovery of possession of any premises has been made, before the date of commencement of this Act, but the possession of such premises has not been recovered from the tenant by the execution of such decree or order, the Court by which the decree or order was made may, if it is of opinion that the decree or order would not have been made if this Act had been in operation at the date of the making of the decree or order, rescind or vary the decree or order in such manner as may be for the purpose of giving effect to

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(Chapter IV.—Deposit of rent.—Clause 19.)

CHAPTER IV.

DEPOSIT OF RENT.

Deposit of rent by the tenant.

19. (*1*) When a landlord refuses to accept any rent referred to in section 12 remitted by postal money order by a tenant in respect of any premises, the tenant shall, in the prescribed manner,—

(*a*) deposit such rent within a fortnight of the date on which the rent so remitted is returned to the tenant by the postal authorities as undelivered, and

(*b*) unless the landlord signifies by notice in writing to the tenant his willingness to accept any subsequent rent which becomes due in respect of such premises, also deposit such rent within a fortnight of the date on which such rent becomes due, or from the expiry of the time within which such rent is required to be paid under clause (*a*) of section 12 together with the cost of transmission by postal money order of the money deposited to the landlord.

(*2*) Where any *bona fide* doubt or dispute has arisen as to the person who is entitled to receive any rent in respect of any premises, the tenant,—

(*a*) may deposit such rent, stating the circumstances under which such deposit is made, and

(*b*) may continue to deposit every subsequent amount of rent which becomes due in respect of such premises, also stating the circumstances under which such deposit is made, until such doubt has been removed or such dispute has been settled by the decision of any competent Court or by settlement between the parties,

within a fortnight of the date on which such rent becomes due or from the expiry of the time within which such rent is required to be paid under clause (*a*), clause (*b*) or clause (*c*) of section 12, as the case may be, in the same manner as has been prescribed for the deposit of rent under sub-section (*1*).

(*3*) On any deposit being made under sub-section (*1*) the Controller shall within fifteen days from the date of such deposit forward the same by postal money order to the address of the landlord.

(*4*) Where any money has been deposited under clause (*a*) of sub-section (*1*) the cost of transmission thereof to the landlord by postal money order shall be recoverable from the landlord and in forwarding the money so deposited to the landlord by postal money order the Controller shall deduct therefrom such cost of such transmission and the cost of serving notice under sub-section (*5*).

(*5*) If the money sent by the Controller under sub-section (*3*) by postal money order to any landlord is returned undelivered, the Controller shall cause a notice of the receipt of the deposit to be served by registered post on the landlord in the prescribed manner and the amount lying in deposit may, subject to such rules as may be made under this Act, be withdrawn by the landlord on application made by him to the Controller in that behalf, and if such amount is not so withdrawn before the expiration of five years from the date of service of such notice, it shall, subject to any order of any Court, be forfeited to His Majesty, and notwithstanding anything contained in any other law for the time being in force or in any contract the landlord shall not be entitled to recover the said amount by suit or otherwise from the tenant by way of his dues in respect of the premises on account of which such deposit was made.

(*6*) When a deposit has been made under sub-section (*2*), the amount of such deposit shall be held by the Controller pending the removal of the doubt or the settlement of the dispute which has arisen as to the person who is entitled to receive the rent either by the decision of a competent Court or by settlement between the parties and the amount of such deposit may be withdrawn by the person who is declared by such Court to be entitled to it or who is [illegible] to be entitled to it in accordance

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(7) No suit or other legal proceeding shall be instituted against the Crown or against any officer of the Crown in respect of anything done in good faith by the Controller receiving a deposit under this section, but nothing in this section shall prevent any person entitled to receive the amount of any such deposit from recovering the same from a person to whom it has been paid under this section.

Penalty for giving incorrect name or address of the landlord.

20. If a tenant while making a deposit of any rent under section 19 wilfully gives an incorrect name or address of his landlord, he shall, on the complaint of the landlord, be liable to a fine which may extend to five hundred rupees to be imposed after inquiry, by the Controller.

Saving as to acceptance of rent.

21. When a landlord accepts rent in respect of any premises sent by postal money order by a tenant under section 12 or by the Controller under sub-section (5) of section 19 or withdraws any rent deposited under section 19, the fact of this acceptance or withdrawal shall not be used in any way as evidence that he has admitted as correct any of the particulars set forth in the postal money order form or in the application for deposit of such rent or that he has waived any notice to quit given by him to the tenant.

CHAPTER V.

Hotels and Lodging Houses.

Fixation of fair rate and number of lodgers.

22. The Controller may, on application made by any person interested,—

(*a*) fix a fair rate to be charged for board, lodging or other service provided in a hotel or lodging house and in fixing such fair rate specify separately the rate for lodging, board or other service; or

(*b*) fix the number of lodgers to be accommodated in each room or specified accommodation in a hotel or lodging house.

Revision of fair rate and number of lodgers.

23. The Controller may from time to time revise the fair rate or the number of lodgers fixed under section 22.

Notice of fair rate and number of lodgers to be displayed.

24. The manager of a hotel or the owner of a lodging house shall, where the fair rate or the number of lodgers has been fixed under section 22 for a hotel or lodging house, display in a conspicuous part of the hotel or lodging house a notice of the fair rate and the number of lodgers so fixed.

Agreement for payment of charges in excess of fair rate.

25. An agreement for the payment of any charge in excess of the fair rate referred to in section 22 shall be null and void in respect of such excess and shall be construed as if it were an agreement for the payment only of such fair rate.

No eviction if fair rate paid.

26. No manager of a hotel or owner of a lodging house shall have any right to evict or refuse board or other service to a lodger as long as he pays or tenders payment of the fair rate fixed under section 22 and observes and performs the other conditions of the agreement in so far as they are not inconsistent with the provisions of this Chapter:

Provided that a lodger shall not be entitled to the benefit of this section—

(*a*) if the lodger has been guilty of conduct which is a nuisance or an annoyance to the other lodgers of the hotel or lodging house; or

(*b*) if the lodger has continuously been absent from such hotel or lodging house for a period exceeding two months; or

(*c*) if the lodger having contracted to stay for any specified period stays beyond that period unless the Controller on an application made to him in this behalf extends the period.

Punishment.

27. (*1*) Every manager of a hotel or owner of a lodging house who accommodates lodgers or permits lodgers to be accommodated in a room or specified accommodation in a hotel or lodging house in excess of the number fixed by the Controller under section 22, except with the consent of all the lodgers of such room or specified accommodation, shall on conviction be punished with fine which may extend to

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(2) Every manager of a hotel or owner of a lodging house who fails to display a notice as required under section 24 of the fair rate or the number of lodgers fixed under section 22 shall on conviction in a Criminal Court be punished with fine which may extend to five hundred rupees.

CHAPTER VI.

APPOINTMENT OF THE CONTROLLER AND OTHER OFFICERS, THEIR POWERS AND FUNCTIONS.

Appointment of Controller and Additional and Deputy Controllers.

28. (1) The Provincial Government may, by notification, appoint a person to be the Controller for any area to which this Act extends to exercise the powers and discharge the duties conferred and imposed upon the Controller by or under this Act in such area.

(2) The Provincial Government may also by notification appoint any person to be an Additional Controller or a Deputy Controller for any area to which this Act extends.

(3) An Additional Controller or a Deputy Controller shall exercise such of the functions of the Controller as may, subject to the control of the Provincial Government, be assigned to him by the Controller and in the discharge of these functions an Additional Controller or a Deputy Controller shall exercise the same powers and discharge the same duties as the Controller.

(4) The Controller may—

(*a*) transfer any case pending before him for disposal to any Additional Controller or Deputy Controller, or

(*b*) withdraw any case pending before any Additional Controller or Deputy Controller, and

(*i*) dispose of such case himself, or

(*ii*) transfer such case for disposal to any other Additional Controller or Deputy Controller.

(5) A Controller, an Additional Controller or a Deputy Controller appointed under this section shall be either,—

(*a*) a member—

(*i*) in Calcutta, of the Judicial Branch of the Provincial Civil Service of not less than ten years' standing in such service, and

(*ii*) elsewhere, of the Executive or Judicial Branch of the Provincial Civil Service, or

(*b*) a barrister, advocate or attorney of the High Court in Calcutta of not less than ten years' standing, who has practised as such, and has experience of rent values and land acquisition cases in Calcutta.

Final hearing of certain applications.

29. (1) The hearing of every application made to the Controller under this Act shall be completed within a period of three months in the case of an application for exercise of the powers conferred on him by sections 8 and 9, and within a period of one month in the case of an application for obtaining his permission under sub-section (2) of section 38, unless, for reasons to be recorded by the Controller in writing, it is not possible for him to complete the hearing within that period.

(2) The hearing of any application referred to in sub-section (1) shall, when it has begun, be continued from day to day unless, for reasons to be recorded by the Controller in writing, it is not possible so to do.

Notice to landlords and tenants before exercising powers under the Act.

30. Before exercising any of the powers conferred on him by this Act, the Controller shall give notice by registered post of his intention to do so to the landlord and to the tenant, if any, and shall cause a copy of such notice to be affixed in a conspicuous place at the office of the Controller, and shall duly consider any application received by him within the period specified in the notice from any person having any interest in the premises in respect of which such power is exercised.

Power to enter and inspect premises, to require information and to summon witnesses.

31. (1) For the purposes of any inquiry under this Act the Controller may,—

(*a*) enter and inspect any premises at any time between sunrise and sunset;

(*b*) authorise any officer subordinate to [illegible]

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(*c*) by written order require any person to produce for his inspection such accounts, rent receipts, books or other documents relevant to the inquiry, at such time and at such place, as may be specified in the order:

Provided that no premises shall be entered under clause (*a*) or clause (*b*), without the consent of the occupier, unless at least twenty-four hours' previous notice in writing has been given.

(*2*) The Controller shall, subject to any rules made under this Act, and, in so far as such powers are necessary for carrying out the provisions of this Act, have power to summon and enforce the attendance of witnesses, and to compel the production of documents by the same means and, so far as may be, in the same manner as is provided in the case of a Court by the Code of Civil Procedure, 1908. Act V of 1908.

CHAPTER VII.

Appeal, Review, Jurisdiction and Penalty.

Appeal and review.

32. (*1*) Any person aggrieved by an order of the Controller may, within thirty days from the date of the order, present an appeal in writing,—

(*a*) in respect of premises in the Presidency town of Calcutta, to the Chief Judge of the Court of Small Causes of Calcutta, and

(*b*) in respect of premises elsewhere, to the District Judge of the district in which the premises in respect of which such order is made are situated:

Provided that no appeal shall lie under this sub-section from any order made by the Controller under section 39.

(*2*) The Provincial Government may, by notification, appoint any person who has exercised the powers of a District Judge in West Bengal to hear appeals presented under clause (*a*) of sub-section (*1*) to the Chief Judge of the Court of Small Causes of Calcutta and may, by notification, also appoint any person who is a judicial officer not below the rank of a subordinate judge to hear appeals presented under clause (*b*) of the said sub-section to a District Judge.

(*3*) The Chief Judge of the Court of Small Causes of Calcutta to whom an appeal is presented under clause (*a*) of sub-section (*1*) or a District Judge to whom an appeal is presented under clause (*b*) of that sub-section may transfer such appeal to any person appointed to hear any such appeal under sub-section (*2*) and may withdraw any appeal so transferred and either hear and dispose of it himself or transfer it to any other person appointed to hear such appeals under sub-section (*2*).

(*4*) The Chief Judge or the District Judge or any person appointed under sub-section (*2*) to whom an appeal is transferred under sub-section (*3*), as the case may be, shall then send for the record of the case from the Controller and after perusing such record and, if necessary, taking such evidence himself or personally making such further inquiries as he thinks fit, shall decide the appeal and shall not send it back on remand.

(*5*) Subject to such rules as may be made under this Act, any order passed under this Act by the Controller, the Chief Judge of the Court of Small Causes of Calcutta or a District Judge or a person appointed under sub-section (*2*) may be reviewed by the person who passed the order on the ground of the discovery of any new and important matter or evidence or on account of some mistake or error apparent on the face of the record or for any other sufficient cause:

Provided that before any order is passed under this sub-section which is likely to affect any person adversely such person shall be given a reasonable opportunity of being heard.

(*6*) The High Court, on application made in that behalf by any person aggrieved by an order passed in appeal by the Chief Judge or the District Judge or a person appointed under sub-section (*2*), either imposing, or confirming any

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order passed by the Controller imposing a fine under section 20, section 33 or section 34 may, where the fine is not less than five hundred rupees and such application is made within thirty days of the date of such order, call for and examine the record of such appeal and, after giving the parties an opportunity of being heard, revise the order passed in such appeal.

(7) All decisions of the Chief Judge or the District Judge or a person appointed under sub-section (2), as the case may be, shall, subject to the provisions of sub-section (6), be final.

Penalty for recovering rent in excess of the standard rent.

33. (1) Whoever knowingly—

(*a*) receives whether directly or indirectly any sum on account of the rent of any premises in excess of the standard rent, or

(*b*) receives whether directly or indirectly or invites offers, or asks, for any premium, *salami*, fine or any other like imposition in addition to the standard rent except as provided in section 5, or

(*c*) receives whether directly or indirectly any sum as rent in advance in excess of one month's rent without the written consent of the Controller,

shall, on the complaint of the party aggrieved or of the Provincial Government, be liable,—

(*i*) in the case referred to in clause (*a*), on the first occasion, to a fine which may extend to five times the amount recovered in excess of the standard rent, and on a second or subsequent occasion in regard to the same or any other premises, to a fine which may extend to ten times the amount of such excess;

(*ii*) in the case referred to in clause (*b*), on the first occasion, to a fine which may extend to two thousand rupees, and on a second or subsequent occasion in regard to the same or any other premises, to a fine which may extend to five thousand rupees; and

(*iii*) in the case referred to in clause (*c*), on the first occasion, to a fine which may extend to twice the amount received in excess of one month's rent, and on a second or subsequent occasion in regard to the same or any other premises, to a fine which may extend to four times the amount so received,

to be imposed, in each case after inquiry, by the Controller.

(2) A person shall be deemed to receive a sum in excess of the standard rent, if he receives any consideration representing a money value in excess of such standard rent as part of such standard rent.

Penalty for disturbance of easements, etc.

34. Whoever, in any case in which an order or decree for the recovery of possession of any premises is prohibited under section 11, without the previous written consent of the Controller, or save for the purpose of effecting repairs or complying with any municipal requisition, wilfully disturbs any easement annexed to such premises, or removes, destroys, or renders unserviceable, anything provided for permanent use therewith, or discontinues any supply or service comprised in the tenancy of such premises, shall, on the complaint of the party aggrieved, be liable, on the first occasion, to a fine which may extend to five hundred rupees, and on a second or subsequent occasion in regard to the same or any other premises, to a fine which may extend to one thousand rupees, to be imposed, after inquiry, by the Controller.

Payment and recovery of fine

35. The fine imposed under section 20, section 33 or section 34 shall be paid by the person fined in the prescribed manner within thirty days from the date of the order of the Controller imposing the fine or within such further period as the Controller may allow for such payment for special reasons to be recorded by him in writing and in default of such payment the fine shall be recoverable as a public demand under the Bengal Public Demands Recovery Act, 1913.

Ben. Act III of 1913.

Limitation for complaints.

36. No complaint under section 33 or section 34 shall be brought against any person after the expiration of six months from the date of the commission of the act in respect of which the complaint is brought.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, 1948.

(Chapter VII.—Appeal, review, jurisdiction and penalty.—Chapter VIII.—Miscellaneous.—Clauses 37—39.)

Issue of distress warrants and other processes barred in certain cases.

37. No distress warrant shall be issued under Chapter VIII of the Presidency Small Cause Courts Act, 1882, and no process under the Code of Civil Procedure, 1908, in execution of a decree passed *ex parte* thereunder, shall be issued, either for the attachment of property or for the arrest of any tenant, in connection with the recovery of the rent of any premises situated in any area to which this Act may apply, unless the person applying for execution, when making his application, sweats or affirms by affidavit or otherwise that none of the rent, in respect of which execution is applied for, is irrecoverable under this Act. XV of 1882. Act V of 1908.

CHAPTER VIII.

MISCELLANEOUS.

Making of repairs and taking of measures for the maintenance of essential services by the tenant on the failure or neglect of the landlord to do so.

38. (*1*) The Controller shall, on application made to him in this behalf by any tenant in possession of any premises, cause a notice to be served in the prescribed manner on the landlord thereof requiring him to make any repairs which such landlord is bound to make to the premises or to take any measures for the due maintenance of any essential supply or service, such as, the maintenance of the supply of water or electricity, the maintenance of conservancy or sanitary service and the maintenance of any lift, which such landlord is bound to maintain in the premises under the conditions of the tenancy or according to local usage.

(*2*) If after the service of such notice the landlord fails to show proper cause or neglects to make within reasonable time such repairs or to take within reasonable time such measures, as the case may be, the tenant may submit to the Controller an estimate of the cost of such repairs or measures, and may apply to him for permission to make such repairs or to take such measures himself and, thereupon, the Controller may, after giving the landlord an opportunity of being heard and after considering such estimate of cost and making such enquiries as he may consider necessary, by an order in writing, permit the tenant to make such repairs or to take such measures, as the case may be, at a cost not exceeding such amount as may be specified in the order and it shall thereafter be lawful for the tenant to make such repairs or to take such measures himself and to deduct the cost thereof, which shall in no case exceed the amount so specified, from the rent or otherwise recover it from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

Taking of measures by the tenant in case of emergency.

39. Notwithstanding anything contained in section 38, if the necessity for making any repairs or for taking any measures referred to in that section, is so urgent that any delay involved in the procedure referred to therein is likely to subject the tenant to personal loss, damage or serious inconvenience, the tenant may himself cause the notice referred to in section 38 to be served in the prescribed manner on the landlord requiring him to make such repairs or to take such measures within seventy-two hours of the service of such notice and shall in every such case submit, at the same time, a copy of such notice to the Controller together with an estimate of the cost of such repairs or measures to enable the Controller to make such enquiries as he may consider necessary about the necessity of such repairs or measures and the correctness of the estimate so submitted, and if, after the service of such notice, the landlord fails to make such repairs or to take such measures within the time mentioned in the notice, the tenant may himself make such repairs or take such measures, as the case may be, and, after completion of such repair or measures, submit to the Controller a statement of the costs thereof and thereafter the Controller, after considering such statement and making such further enquiries as he may consider necessary, may, by an order in writing, determine the amount of the costs which the tenant is entitled to recover from the landlord, and the tenant may thereupon deduct the amount so determined from the rent or otherwise recover it from the

The West Bengal Premises Rent Control (Temporary Provisions) Bill, 1948.

(Chapter VIII.—Miscellaneous.—Clauses 40—47.)

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

Criminal liability and refund of the consideration paid in addition to the standard rent.

40. (*1*) Whoever knowingly accepts or obtains or attempts to accept or obtain, whether directly or indirectly, any sum or valuable thing or any pecuniary advantage on account of any premium, *salami* or fine in addition to the standard rent, except as provided in section 5, shall also, on conviction in a Criminal Court, be punished with imprisonment for a term which may extend to two years or with fine or with both and, without prejudice to any other method of recovery, the Court may order the amount paid or the value of the consideration given to be repaid to the person by whom the payment was made or the consideration given.

(*2*) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under sub-section (*1*) shall be cognizable and non-bailable. Act V of 1898.

Cutting off or withholding essential supply or service.

41. (*1*) No landlord either himself or through any person purporting to act on his behalf shall without just or sufficient cause cut off or withhold any essential supply or service enjoyed by the tenant in respect of the premises let to him.

(*2*) Any landlord who contravenes the provisions of sub-section (*1*) shall, on conviction in a criminal court, be punished with imprisonment for a term which may extend to three months or with fine or with both.

Explanation.—In this section essential supply or service includes supply of water, electricity, lights in passages and on stair-cases, lifts and conservancy or sanitary service.

Tenant may get supply of electricity to the premises without the permission of the landlord.

42. Notwithstanding anything contained in any other law for the time being in force, a tenant may get from a licensee the supply of electricity in the premises occupied by him without the permission of the landlord.

Explanation.—In this section "licensee" has the same meaning as in clause (*b*) of section 2 of the Indian Electricity Act, 1910. IX of 1910.

Supply of certified copies of the order of the Controller.

43. Any person affected by any order of the Controller made under this Act, shall be entitled to be furnished with a copy thereof, duly certified by the Controller to be a correct copy, on payment of such fees as may be prescribed, and such copy shall be admissible in evidence in any Court of Law to prove the order of the Controller.

Controller to be a public servant.

44. A Controller appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Repeal and saving.

45. (*1*) The West Bengal Expiring Laws Act, 1948, in so far as it enacts and continues in operation the provisions of the Calcutta Rent Ordinance, 1946, is hereby repealed. West Ben. Act V of 1948. Bcr. Ord. V of 1946.

(*2*) Any rules, orders and appointments made or deemed to have been made or anything done or any action taken or any proceedings commenced or deemed to have been done, taken or commenced under any of the provisions of the said Ordinance shall continue in force in so far as they are consistent with the provisions of this Act and shall be deemed to have been made, done, taken or commenced under the corresponding provision of this Act.

(*3*) For the removal of doubts it is hereby declared that all proceedings pending before the Controller at the commencement of this Act in connection with applications for permission to institute or prosecute a suit or proceeding, or to execute, or proceed with the execution of, a decree or order, for the recovery of possession of any premises from a tenant and all appeals preferred against, or applications filed for review of, orders passed on such applications and pending at such commencement, shall abate.

Bar of proceedings.

46. No suit, prosecution or other legal proceeding shall lie against any officer of the Crown for anything in good faith done or intended to be done under this Act.

Power to make rules.

47. (*1*) The Provincial Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, 1948.

(The Schedule.—Part A.)

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

(*a*) the form of permits referred to in sub-section (*1*) of section 6 and the fee referred to in sub-section (*2*) of that section;

(*b*) the manner of obtaining the permission and executing an order referred to in section 15;

(*c*) the manner of depositing rent under sub-section (*1*) of section 19;

(*d*) the method of withdrawal of the deposit of rent by the landlord under sub-section (*5*) of section 19;

(*e*) the procedure for summoning and enforcing the attendance of witnesses and compelling the production of documents referred to in sub-section (*2*) of section 31;

(*f*) the procedure to be followed in inquiries under this Act, by the Controller, the Chief Judge of the Court of Small Causes of Calcutta, the District Judge and any person appointed under sub-section (*2*) of section 32;

(*g*) the procedure for review of orders referred to in sub-section (*6*) of section 32;

(*h*) the manner of payment of the fine referred to in section 35;

(*i*) the manner of service of notices issued under this Act;

(*j*) the charging or remitting of costs and fees and the fixing of a scale of costs and fees.

(*3*) All rules made under this Act shall, as soon as may be after they have come into force, be laid before the Provincial Legislature.

The Schedule.

[*See* section 2(*10*).]

PART A.

Provisions for determining the standard rent of premises in Calcutta.

1. In this part of this Schedule "basic rent" in relation to any premises means—

(*a*) where the rent of the premises has been fixed by the Controller under the Calcutta House Rent Control Order, 1943, or the Calcutta Rent Ordinance, 1946, the rent so fixed, Ben. Ord. V of 1946.

(*b*) where the rent of the premises has not been so fixed the rent which would, in the opinion of the Controller, have been fixed under the Calcutta Rent Ordinance, 1946.

2. Where the premises are used for residential purposes or mainly for residential purposes, the standard rent shall be the basic rent increased by—

(*a*) 6¼ *per cent.* if the basic rent *per mensem* is not more than Rs. 50,

(*b*) 12½ *per cent.* if the basic rent *per mensem* is more than Rs. 50 but not more than Rs. 150,

(*c*) 18¾ *per cent.* if the basic rent *per mensem* is more than Rs. 150 but not more than Rs. 300,

(*d*) 20 *per cent.* if the basic rent *per mensem* is more than Rs. 300.

Explanation.—In this paragraph and in the next succeeding paragraph of this part of this Schedule, the expression "residential purposes" includes purposes of being used as a hospital, an orphanage, or an educational or charitable institution.

3. Where the premises are used otherwise than for residential purposes or mainly for residential purposes, the standard rent shall be the basic rent increased by—

(*a*) 12½ *per cent.* if the basic rent *per mensem* is not more than Rs. 75,

(*b*) [illegible] *per cent.* if the basic rent *per mensem* is more than Rs. 150.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, 1948.

(The Schedule.—Part B.)

(*c*) 37½ *per cent.* if the basic rent *per mensem* is more than Rs. 150 but not more than Rs. 300,

(*d*) 40 *per cent.* if the basic rent *per mensem* is more than Rs. 300.

4. Where any premises have been sub-let, the standard rent shall be the rent determined according to paragraph 2 or 3, as the case may be, omitting the excess, if any, beyond 6¼ *per cent.* over the standard rent or a proportionate part thereof payable by the tenant who sub-lets the premises according as the premises are sub-let in whole or in part.

PART B.

Provisions for determining the standard rent of premises in areas other than Calcutta.

1. In this part of this Schedule "basic rent" in relation to any premises means—

(*a*) Where the rent of the premises has been fixed by the Controller under the Bengal House Rent Control Order, 1942, or the Calcutta Rent Ordinance, 1946, the rent so fixed. Ben. Ord V of 1946.

(*b*) Where the rent of the premises has not been so fixed the rent which would, in the opinion of the Controller, have been fixed under the Calcutta Rent Ordinance, 1946.

2. Where the premises are used for residential purposes or mainly for residential purposes, the standard rent shall be the basic rent increased by—

(*a*) 10 *per cent.*, if the basic rent *per mensem* is not more than Rs. 25,

(*b*) 20 *per cent.*, if the basic rent *per mensem* is more than Rs. 25 but not more than Rs. 75,

(*c*) 25 *per cent.*, if the basic rent *per mensem* is more than Rs. 75.

Explanation.—In this paragraph and in the next succeeding paragraph of this part of this Schedule the expression "residential purposes" includes purposes of being used as a hospital, an orphanage or an educational or charitable institution.

3. Where the premises are used otherwise than for residential purposes or mainly for residential purposes, the standard rent shall be the basic rent increased by—

(*a*) 20 *per cent.*, if the basic rent *per mensem* is not more than Rs. 15,

(*b*) 40 *per cent.*, if the basic rent *per mensem* is more than Rs. 15, but not more than Rs. 30,

(*c*) 50 *per cent.*, if the basic rent *per mensem* is more than Rs. 30.

4. Where any premises have been sub-let, the standard rent shall be the rent determined according to paragraph 2 or 3, as the case may be, omitting the excess, if any, beyond 6¼ *per cent.*, over the standard rent or a proportionate part thereof payable by the tenant who sub-lets the premises according as the premises are sub-let in whole or in part.

STATEMENT OF OBJECTS AND REASONS.

The West Bengal Premises Rent Control (Temporary Provisions) Bill, 1947, as reported by the Select Committee, which was taken up for consideration in the last Budget Session of the Assembly, could not be passed into law for want of time. As, however, the measure was very urgent, it was proposed to promulgate an Ordinance embodying all the provisions of the Bill as reported by the Select Committee with some minor amendments and His Excellency the Governor-General's approval thereto was sought under the proviso to sub-section (*1*) of section 88 of the Government of India Act, 1935. The Government of India, however, suggested that as the contents of the Bill had already been before the legislature, it would be preferable instead of promulgating an Ordinance, to place the same before the legislature.

Accordingly the present Bill has been framed embodying, with slight alterations, all the provisions of the Bill which was considered by the Select Committee in the last Session.

CALCUTTA;
The 20th August, 1948.

BIMAL CHANDRA SINHA,
Member-in-charge.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent.

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MONDAY, AUGUST 23, 1948

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1434L.—23rd August, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE BENGAL NON-AGRICULTURAL TENANCY (TEMPORARY PROVISIONS) WEST BENGAL AMENDMENT BILL, 1948.

A BILL

further to amend the Bengal Non-agricultural Tenancy (Temporary Provisions) Act, 1940.

WHEREAS it is expedient further to amend the Bengal Non-agricultural Tenancy (Temporary Provisions) Act, 1940, for the purposes and in the manner hereinafter appearing; Ben. Act IX of 1940.

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bengal Non-agricultural Tenancy (Temporary Provisions) West Bengal Amendment Act, 1948.

(*2*) It shall come into force on the date on which the Bengal Non-agricultural Tenancy (Temporary Provisions) West Bengal Amendment Ordinance, 1948, ceases to operate. West Ben. Ord. V of 1948.

Amendment of section 1 of Bengal Act IX of 1940

2. In sub-section (*3*) of section 1 of the Bengal Non-agricultural Tenancy (Temporary Provisions) Act, 1940 (hereinafter referred to as the said Act), for the words "eight years" the words "nine years" shall be substituted.

Substitution of new section for section 2.

3. For section 2 of the said Act, the following section shall be substituted, namely:—

"2. In this Act, unless there is anything repugnant in the subject or context, Definitions.

(*1*) 'municipal area' means any area constituted a municipality under the provisions of the Bengal Municipal Act, 1932; and Ben. Act XV of 1932.

'non-agricultural tenant' means a tenant who holds under another person, and is liable to pay rent to such person for, non-agricultural land which, under the terms of any agreement, such tenant is entitled to use for any homestead or residential purpose or for the conduct thereon of any commercial or industrial enterprise or any trade or business, and includes a tenant who holds agricultural land within any municipal area, but does not include a tenant who holds non-agricultural land together with any structure thereon erected or owned by the person under whom such tenant holds or by the superior or predecessor in interest of such person.".

The Bengal Non-agricultural Tenancy (Temporary Provisions) West Bengal Amendment Bill, 1948.

(Clauses 4—8.)

Substitution of new section for section 4.

4. For section 4 of the said Act, the following section shall be substituted, namely:—

"4. Nothwithstanding anything contained in any other law for the time being in force,—

Setting aside of certain orders for delivery of possession.

(*a*) a non-agricultural tenant other than a tenant holding agricultural land within any municipal area, or a person who but for his ejectment in execution of a decree for ejectment would have been deemed to be a non-agricultural tenant other than a tenant holding agricultural land within any municipal area for the purposes of this Act, if he has been ejected between the thirtieth day of January, 1940, and the date of the commencement of this Act in execution of a decree for ejectment to which the provisions of section 3 are applicable, may, within three months from the date of the commencement of this Act, and

(*b*) a tenant holding agricultural land within any municipal area, or a person who but for his ejectment in execution of a decree for ejectment would have been deemed to be a tenant holding agricultural land within any municipal area, if he has been ejected between the 24th day of April, 1948 and the date of the commencement of the Bengal Non-agricultural Tenancy (Temporary Provisions) West Bengal Amendment Act, 1948, in execution of a decree for ejectment to which the provisions of section 3 are applicable may, within three months from the date of the commencement of the said Act,

apply, without payment of any fee under the Court-fees Act, 1870, to the Court which made the order for delivery of possession to have such order set aside; and such Court, if satisfied that the order was made between the dates specified in clause (*a*) or clause (*b*), as the case may be, and in any proceeding in execution of a decree for ejectment to which the provisions of section 3 are applicable, shall set aside the order and shall direct that the applicant be restored to possession of the land to which the order relates.". VII of 1870.

Amendment of section 5.

5. In clause (*l*) of section 5 of the said Act,—

(*i*) in sub-clause (*a*), after the words "served upon him" the words "or where no such notice was served, at the rate at which the judgment-debtor was paying rent when the suit for ejectment was instituted" shall be inserted; and

(*ii*) in sub-clause (*b*),—

(*i*) after the word "judgment-debtor" in the first place where it occurs, the words "on whom a notice to quit was served" shall be inserted, and

(*ii*) for the words "notice to quit" the words "such notice" shall be substituted.

Amendment of section 6.

6. In section 6 of the said Act, after the words "commencement of this Act" the words, brackets and figures "or at the date of commencement of the Bengal Non-agricultural Tenancy (Temporary Provisions) West Bengal Amendment Act, 1948" shall be inserted.

Amendment of section 8.

7. In section 8 of the said Act, the following words shall be added at the end, namely:—

"or who holds under any such Government or local authority agricultural land within any municipal area.".

Continuance of action taken under West Bengal Ordinance V of 1948.

8. Anything done or any action taken in exercise of any power conferred by the said Act as amended by the Bengal Non-agricultural Tenancy (Temporary Provisions) West Bengal Amendment Ordinance, 1948, shall on the said Ordinance ceasing to be in operation be deemed to have been done or taken in exercise of the powers conferred by the said Act as amended by this Act, as if this Act had commenced on the 25th day of May, 1948. West Bengal Ord. V of 1948.

STATEMENT OF OBJECTS AND REASONS.

The Bengal Non-agricultural Tenancy (Temporary Provisions) Act, 1940, which provided for stay of proceedings for eviction of non-agricultural tenants in certain cases pending further legislation on the subject, expired on the 29th May, 1948. As the Assembly was not in session at that time and as the more comprehensive measure, namely, the West Bengal Non-agricultural Tenancy Bill, 1948, could not be passed into law, the period of operation of the Act of 1940 was further extended for another year by the promulgation of an Ordinance. This Ordinance also included the provisions of the Bengal Non-agricultural Tenancy (Temporary Provisions) Amendment Act, 1945, which was made by the Governor in exercise of the powers assumed to himself under section 93 of the Government of India Act, 1935, extending the protection of the Act of 1940 to agricultural holdings in municipal areas. It is now proposed to implement the provisions of the said Ordinance by the passing of this Bill.

BIMAL CHANDRA SINHA,
Member-in-charge.

CALCUTTA:
The 20th August, 1948.

By order of the Governor,

B. K. GUHA,
Secy. to the Govt. of West Bengal.

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1433L.—23rd August, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE 24-PARGANAS DISTRICT BOARD DISSOLUTION (TEMPORARY PROVISIONS) BILL, 1948.

A

BILL

to provide for the dissolution and constitution of the District Board of the 24-Parganas.

WHEREAS it is expedient to provide for the dissolution and constitution of the District Board of the 24-Parganas in the manner hereinafter appearing;

It is hereby enacted as follows:—

Short title, commencement and duration.

1. (*1*) This Act may be called the 24-Parganas District Board Dissolution (Temporary Provisions) Act, 1948.

(*2*) It shall come into force on the date on which the 24-Parganas District Board (Dissolution) Ordinance, 1948, ceases to operate. West Ben. Ord. III of 1948.

(*3*) It shall remain in force only up to the 9th day of May, 1950.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "the Act" means the Bengal Local Self-Government Act of 1885; and Ben. Act III of 1885.

(*b*) "the District Board" means the District Board of the 24-Parganas.

Dissolution of the District Board.

3. The Provincial Government may, if and so often as it so thinks fit, by an order published in the *Official Gazette* dissolve the District Board from such date as may be specified in the order:

Provided that such powers shall not be exercised when the District Board is reconstituted on the result of the election referred to in sub-section (*1*) of section 7 in accordance with the provisions of the Act.

Consequences of dissolution.

4. Notwithstanding anything contained in the Act, all the members constituting the District Board and the Chairman and the Vice-Chairmen of the District Board shall, as from the date of dissolution, vacate their offices as such members, Chairman and Vice-Chairmen.

The 24-Parganas District Board Dissolution (Temporary Provisions) Bill, 1948.

(Clauses 5—9.)

Constitution of the District Board.

5. Notwithstanding anything contained in the Act, the Provincial Government shall, if the District Board is dissolved, by notification in the *Official Gazette*, constitute the District Board as from the date of dissolution in such manner and consisting of such number of members as it may determine in this behalf.

Term of office of members.

6. The Provincial Government shall, by notification in the *Official Gazette*, fix the term of office of members of the District Board constituted under section 5:

Provided that the term of office so fixed shall not exceed the period during which this Act remains in force.

Reconstitution of the District Board in accordance with the provisions of the Bengal Local Self-Government Act of 1885.

7. (*1*) Before the expiry of the term of office of the members of the District Board constituted under section 5, there shall be a fresh general election of members of the District Board in conformity with the provisions of the Act and the rules made thereunder and the persons who vacated their offices under section 4 shall not be deemed disqualified for such election if they are otherwise qualified therefor.

(*2*) On the expiration of the term of office of the members of the District Board constituted under section 5, the District Board shall be reconstituted on the result of election referred to in sub-section (*1*) in accordance with the provisions of the Act.

Casual vacancies.

8. When the place of a member of the District Board constituted under section 5 becomes vacant, the Provincial Government shall, as soon as may be, appoint another person to fill the vacancy and the person so appointed shall hold office for the residue of the term of office of the member in whose stead he is appointed.

Continuance of action taken under West Bengal Ordinance III of 1948.

9. Any notification issued or anything done or any action taken in exercise of any power conferred by the 24-Parganas District Board (Dissolution) Ordinance, 1948, shall, on the said Ordinance ceasing to be in operation, be deemed to have been issued, done or taken in exercise of the powers conferred by this Act, as if this Act had commenced on the 3rd day of May, 1948.

West Ben. Ord. III of 1948.

STATEMENT OF OBJECTS AND REASONS.

The District Board of 24-Parganas was reconstituted in 1938-39 with twenty elected and ten appointed members. Since then there has been no election, as the Local Boards in the district which elected the members of the District Board were abolished with effect from the 10th April, 1943 and no delimitation of constituencies for the purpose of direct election could be made. By West Bengal Act IX of 1947 the ten seats of appointed members of the District Board were abolished. During this period, of the twenty elected members five died and six were continuously absent, thereby reducing the number of active members to nine which brought a deadlock in the working of the said District Board. Moreover, the two thanas of Bongaon and Gaighata, formerly in the district of Jessore and now added to the district of 24-Parganas as a result of the award of the Boundary Commission, had to be represented in the District Board. In order to carry on the administration of the Board with a sufficient number of members representing all parts of the district, the Provincial Government took powers under the 24-Parganas District Board (Dissolution) Ordinance, 1948, to constitute the said District Board by the appointment of such number of members as it thought necessary, for a period not exceeding two years pending reconstitution of the District Board through the usual process of election after delimitation of constituencies. The Bill purports to validate the provisions of the said Ordinance which will become inoperative on the expiry of six weeks from the date when the ensuing session of the Legislative Assembly begins.

B. C. ROY,
Member-in-charge.

CALCUTTA:
The 21st August, 1948.

By order of the Governor,

B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore.

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TUESDAY, AUGUST 24, 1948

PART IIIA—Ordinances promulgated by the Governor of West Bengal under the Government of India Act, 1935.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

West Bengal Ordinance No. X of 1948.

THE WEST BENGAL RAW JUTE FUTURES ORDINANCE, 1948.

WHEREAS it is expedient and necessary to provide for the prevention of dealing in raw jute futures;

AND WHEREAS the West Bengal Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased, in exercise of the power conferred by sub-section (*1*) of section 88 of the Government of India Act, 1935, to make and promulgate the following Ordinance, namely:— 26 Geo. V, c. 2.

Short title, extent and commencement.

1. (*1*) This Ordinance may be called the West Bengal Raw Jute Futures Ordinance, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall come into force on the date of its publication in the *Official Gazette*.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

(*1*) "contract relating to raw jute futures" means a contract relating to the sale or purchase of a screwed bale of raw jute made on a forward basis—

(*a*) providing for the payment or receipt, as the case may be, of margin in such manner and on such dates as may be specified in the contract, or

(*b*) by or with any person not being a person who—

(*i*) habitually deals in the sale or purchase of raw jute involving the actual delivery of possession thereof, or

(*ii*) possesses, or has control over, a godown and other means and equipments necessary for the storage and supply of raw jute;

(*2*) "margin" means the difference between the rate specified in a contract relating to the sale or purchase of a screwed bale of raw jute made on a forward basis and the rate prevailing on such date subsequent to the date of the contract as may be specified in the contract.

The West Bengal Raw Jute Futures Ordinance, 1948.

(Sections 3—5.)

Power of Provincial Government to prohibit contracts relating to raw jute futures.

3. (*1*) The Provincial Government may, from time to time, if it so thinks fit, by notification in the *Official Gazette*, prohibit the making of contracts relating to raw jute futures and may, by like notification, withdraw such prohibition:

Provided that the withdrawal of any such prohibition shall not affect the operation of the provisions of sub-section (*2*) in respect of any contract relating to raw jute futures made prior to the date on which the prohibition is withdrawn.

(*2*) When the making of contracts relating to raw jute futures is prohibited by a notification under sub-section (*1*),—

(*a*) no person shall make any such contract or pay or receive any margin except, in the case of any such contract made prior to the date of the notification, to the extent to which the payment or receipt, as the case may be, of margin is allowable on the basis of the last closing rate in a notified market;

(*b*) no owner or occupier of any premises shall knowingly permit such premises to be used for the making of any such contract or for the payment or receipt of margin in contravention of the provisions of clause (*a*); and

(*c*) notwithstanding anything contained in any other law for the time being in force,—

(*i*) every such contract made, and every claim in respect of margin, in contravention of the provisions of clause (*a*), shall be void and unenforceable, and

(*ii*) every such contract made prior to the date of publication of the notification shall be varied and settled on the basis of the last closing rate in a notified market.

Explanation.—In this sub-section,—

(*a*) "last closing rate" means the rate fixed by the Directors of a notified market to be the closing rate of such market immediately preceding the date of publication of the notification under sub-section (*1*) prohibiting the making of contracts relating to raw jute futures; and

(*b*) "notified market" means a raw jute futures market recognised by the Provincial Government by notification in the *Official Gazette*.

Penalty.

4. Whoever, in contravention of the provisions of section 3,—

(*a*) makes a contract relating to raw jute futures, or pays or receives, as the case may be, margin, or

(*b*) being the owner or occupier of any premises, knowingly permits such premises to be used for the making of a contract relating to raw jute futures, or for the payment or receipt of margin,

shall, on conviction, be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both

Special Procedure.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Ordinance shall be cognisable and non-bailable and shall not be triable by any Magistrate other than a Presidency Magistrate or Magistrate of the First Class. Act V of 1898.

KAILAS NATH KATJU,
Governor of West Bengal.

The 24th August, 1948.

B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 24th August, 1948.

The

Calcutta Gazette

Extraordinary

Published by Authority

THURSDAY, AUGUST 26, 1948

RT I—Orders and Notifications by the Governor of t Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF CIVIL SUPPLIES.

ORDERS.

No. TX/1120.—25th August 1948.—In exercise of the power conferred by sub-paragraph (2) of paragraph 13 of the West Bengal Cotton Cloth and Yarn Control Order, 1948, I hereby issue the following directions to every wholesale dealer holding stocks of cloth in Calcutta and Howrah Municipal areas:—

(1) The wholesale dealer shall sell his existing stock only to retail dealers having a place of business in Calcutta and Howrah Municipal areas and having in their possession licenses or license tokens.

(2) The wholesale dealer shall not refuse to sell cloth to any retail dealer, when such retail dealer wishes to purchase cloth from such wholesale dealer.

(3) The wholesale dealer shall sell to retail dealers (*a*) cloth bearing tex-mark price-stamping of January 1948 or any previous month at rates not exceeding 37½ per cent. over the stamped ex-mill price, (*b*) cloth bearing tex-mark and price-stamping of the months of February, March and April 1948 at rates not exceeding 25 per cent. over the stamped ex-mill price, (*c*) cloth bearing tex-marks for May, June and July 1948 but bearing no price-stamping and cloth of West Bengal Mills bearing price-stamping of June and July 1948 at such rates within the *ad hoc* prices fixed by the Government of India for similar cloth as may be agreed upon by both parties according to demand, variety and quality of the cloth.

(*4*) Sales by wholesale dealers to retail deal shall be completed within the 15th S tember 1948.

No. TX/1121.—25th August 1948.—In exerc of the powers conferred upon me by the Governme of India, Ministry of Industry and Supply, no fication No. 80-TEX-1/48(2), I hereby s ecify relation to sales made within the Municipal lim of Calcutta and of Howrah by dealers the maximu wholesale and retail prices of the followi descriptions of cloth as under:—

(*1*) Wholesale dealers are directed to sell retail dealers in Calcutta and Howr Municipal areas (*a*) cloth bearing te mark and price-stamping of January 1948 or on any previous month at rates n exceeding 37½ per cent. over the stamp ex-mill price, (*b*) cloth bearing tex-mar and price-stamping of the months February, March and April 1948 at rat not exceeding 25 per cent. over the stamp ex-mill price.

(*2*) Retail dealers in cloth are directed to se cloth of the above descriptions to co sumers at a price not exceeding 6 pe cent. of the price at which the cloth wa purchased by the retail dealers from whol sale dealers.

(*3*) Nominated buyers who procured cloth fro the producing centres in the surplus zone under orders of Government are directe to sell their stocks only to persons specifie by Government at such rates a may b fixed by Government from time to time

No. TX/1122.—25th August 1948. In exerci of the powers conferred by sub-paragraph 2 o paragraph 13 of the West Bengal Cotton Cloth an Yarn (Control) Order, 1948, I hereby issue th following directions to every retail dealer holdin stocks of cloth in Calcutta and Howrah :—

Retail dealers in Calcutta shall sell cloth t consumers at a price not exceeding 6¼ per cent. of the price at which the cloth wa purchased by the retail dealers from whole sale dealers in accordance with the direction issued by the Controller in that behalf, bearing No. TX/1120, dated the 20th day of August 1948. Sales of such cloth to con sumers shall be completed by the 31st October 1948.

P. R. SINHA,
Director of Textile

Printed and published by the Superintendent, Govt. Ptg., West Beng at West Bengal Govt. Press, Alipore, on the 26th August 1948.

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I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

COMMERCE, LABOUR AND INDUSTRIES DEPARTMENT.

Commerce.

NOTIFICATION.

No. 4531Com.—26th August 1948.—In exercise of the power conferred by sub-section (*1*) of section of the West Bengal Raw Jute Futures Ordinance, 1948 (West Bengal Ordinance No. X of 48), the Governor is hereby pleased to prohibit making of contracts relating to raw jute lines on and from the date of publication of this tification in the *Official Gazette*.

By order of the Governor,
S. K. CHATTERJEE,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Govt. Printing, West Bengal, at West Bengal Govt. Press, Alipore, on the 26th August 1948.

tly ed No. C207

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THURSDAY AUGUST 26, 1948.

ART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1446L.—25th August, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE CALCUTTA IMPROVEMENT (AMENDMENT) BILL, 1948.

A

BILL

further to amend the Calcutta Improvement Act, 1911.

WHEREAS it is expedient further to amend the Calcutta Improvement Act, 1911, for the purposes and in the manner hereinafter appearing; Ben. Act V of 1911.

It is hereby enacted as follows:—

Short title, commencement and duration.

1. (*1*) This Act may be called the Calcutta Improvement (Amendment) Act, 1948.

(*2*) It shall come into force on the date on which the Calcutta Improvement (Amendment) Ordinance, 1948, ceases to operate. West Ben. Ord. IV of 1948.

(*3*) Section 2 shall remain in force only up to the 31st day of March, 1949.

Insertion of new section 4A in Bengal Act V of 1911.

2. After section 4 of the Calcutta Improvement Act, 1911 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

"**4A.** (*1*) Notwithstanding anything contained in section 4, sub-section (*1*) of section 7, section 8, section 15, section 16, and section 17, the three other members of the Corporation referred to in clause (*c*) of section 4 who were elected or appointed as Trustees but who have ceased to be members of the Corporation on the supersession of the Corporation under section 3 of the Corporation of Calcutta (Temporary Supersession) Act, 1948, shall vacate their offices as such Trustees and the Provincial Government shall appoint three persons as Trustees in place of the three other members of the Corporation referred to in clause (*c*) of section 4 and the persons so appointed shall hold office as such Trustees from the date of their appointment till the date of expiry of the period of supersession of the Corporation under section 3 of the Corporation of Calcutta (Temporary Supersession) Act, 1948.

Appointment of Trustees while the Corporation is superseded.

West Ben. Act VIII of 1948.

The Calcutta Improvement (Amendment) Bill, 1948.

(Clauses 3—5.)

(*2*) If any vacancy occurs in the office of a Trustee appointed under sub-section (*1*), the vacancy shall be filled by the Provincial Government by appointment of another person within one month and the person so appointed shall hold office for the residue of the term of office of the Trustee in whose stead he is appointed.

(*3*) On the expiry of the term of office of the Trustees appointed under sub-section (*1*) or under sub-section (*2*), the vacancies shall be deemed to be casual vacancies in the seats for the three other members of the Corporation referred to in clause (*c*) of section 4 and shall be filled in accordance with the porvisions of section 16."

Substitution of new section for section 10.

3. For section 10 of the said Act, the following section shall be substituted, namely:—

The Chairman to be a wholetime officer ordinarily.

"10. While any person is holding the office of Chairman, he shall not hold any other salaried office and shall devote his whole time and attention to his duties under this Act:

Provided that the Provincial Government may require him to hold some other salaried office in addition to the office of Chairman or may permit him to perform any honorary duties which in the opinion of the Provincial Goverument will not interfere with the performance of his duties under this Act".

Amendment of section 11.

4. After sub-section (*3*) of section 11 of the said Act, the following sub-section shall be added, namely:—

"(*4*) If under section 10, the Provincial Government requires the Chairman to hold any salaried office in addition to the office of Chairman, the salary and allowances (if any) payable to the Chairman for his holding the office, other than the office of Chairman, or such portion thereof, as the Provincial Government may decide, shall, instead of being paid to the Chairman, be payable to the Board for credit to the Revenue Account of the Board."

Continuance of action taken under West Bengal Ordinance IV of 1948.

5. Any notification issued or any appointment made or anything done or any action taken in exercise of any power conferred by the Calcutta Improvement (Amendment) Ordinance, 1948, shall, on the said Ordinance ceasing to be in operation, be deemed to have been issued, made, done or taken in exercise of the powers conferred by this Act as if this Act had commenced on the 25th day of May, 1948. West Ben. Ord. IV of 1948.

STATEMENT OF OBJECTS AND REASONS.

On the supersession of the Corporation under the Corporation of Calcutta (Temporary Supersession) Act, 1948 (West Ben. Act VIII of 1948), the Councillors and Aldermen of the Corporation became *functus officio* and the three members of the Corporation on the Board of Trustees for the Improvement of Calcutta could no longer represent the local authority on the Board.

2. It was thought desirable that the Chairman of the Board of Trustees for the Improvement of Calcutta should be appointed, in addition to his own duties, as the Administrative Officer of the superseded Corporation, although this was not allowable under the Calcutta Improvement Act, 1911.

3. Government took powers under the Calcutta Improvement (Amendment) Ordinance, 1948 (West Ben. Ord. IV of 1948)—

(*1*) to appoint three persons on the Board of Trustees for the Improvement of Calcutta to fill up the three seats mentioned in paragraph 1, and

(*2*) to regularise the appointment of the Chairman of the Board as the Administrative Officer of the Corporation.

4. It is intended that the second provision should be permanently incorporated in the Calcutta Improvement Act, 1911, to meet, if necessary, a similar contingency in future, while the first provision will be of a temporary nature. The Bill purports to validate the provisions of the said Ordinance which will become inoperative on the expiry of six weeks from the date on which the next session of the West Bengal Legislative Assembly commences.

CALCUTTA,
The 23rd August 1948

B. C. ROY,
Member-in-Charge.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

The Calcutta Gazette

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SATURDAY, AUGUST 28, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATIONS.

No. 10681D.C.S.—26th August 1948.—In exercise of the powers conferred by clause (*b*) of sub-section (2) of section 3 of the West Bengal Cement Control Ordinance, 1948 (West Bengal Ordinance IX of 1948), the Governor is pleased to authorise the following officers to enter and search any premises, vehicle, vessel or aircraft where any such officer has reason to believe that cement is being stored or disposed of in contravention of an order made under section 3 of the said Ordinance and to seize any cement in respect of which such officer has reason to believe that a contravention of the order has been, is being, or is about to be committed:—

(*a*) Director of Consumer Goods, Calcutta.

(*b*) Additional Director of Consumer Goods, Calcutta.

(*c*) Assistant Directors of Consumer Goods, Calcutta.

(*d*) District and Subdivisional Controllers of Civil Supplies.

(*e*) Chief Inspectors and Inspectors of Civil Supplies.

(*f*) All Police Officers above the rank of Assistant Sub-Inspector.

This cancels this department notification No. 10439D.C.S., dated the 21st August 1948.

No 10682D.C.S.—26th August 1948.—In exercise of the powers conferred by section 4 of the West Bengal Cement Control Ordinance, 1948 (West Bengal Ordinance IX of 1948), the Governor is pleased to delegate to the District Controllers of Civil Supplies and Subdivisional Controllers of Civil Supplies within their respective jurisdictions, the powers under clauses (*e*) and (*g*) of sub-section (2) of section 3 of the said Ordinance.

This cancels this department notification No 10440D.C.S., dated the 21st August 1948.

No. 10683D.C.S.—26th August 1948.—In exercise of the powers conferred by section 4 of the West Bengal Cement Control Ordinance, 1948 (West Bengal Ordinance IX of 1948), the Governor is pleased to delegate to the Director of Consumer Goods, Calcutta, the powers under clauses (*d*), (*e*), (*f*) and (*g*) of sub-section (2) of section 3 of the said Ordinance.

This cancels this department notification No 10441D.C.S., dated the 21st August 1948.

By order of the Governor,

R. S. KRISHNASWAMY,

Secy. to the Govt. of West Bengal.

ORDERS.

No TX/1146.—26th August 1948.—In exercise of the power conferred by sub-paragraph (*1*) of paragraph 13 of the West Bengal Cotton Cloth and Yarn Control Order, 1948, and in supersession of my previous Order No. TX/1080, dated the 6th August 1948, I hereby direct that no retail dealer in cloth in Calcutta and Howrah Municipal areas shall sell more than 2 pieces of Indian mill-made *dhoties* or *sarees* and 20 yards of Indian mill-made cloth other than *dhoties* or *sarees* to each individual customer until further orders.

No. TX/1147.—26th August 1948.—In exercise of the power conferred by sub-paragraph (2) of paragraph 13 of the West Bengal Cotton Cloth and Yarn Control Order, 1948, and in continuation modification of direction already issued under Order No. TX/1120, dated the 20th August 1948, I hereby issue the following further directions to every wholesale dealer holding stocks of cloth in Calcutta and Howrah Municipal areas:—

A wholesale dealer in cloth is permitted to sell

(*a*) to retail dealers having place of business in places other than Calcutta and Howrah Municipal areas within the Province of West Bengal and having in their possession licenses or license tokens issued by the competent licensing authority under the West Bengal Cotton Cloth and Yarn Control Order, 1948, and

(*b*) to a wholesale ready-made garment dealer having place of business in Calcutta and Howrah Municipal areas and having in their possession licenses or license tokens issued by the Textile Licensing Officer under the West Bengal Cotton Cloth and Yarn Control Order, 1948,

quantities not exceeding 25 per cent. of his existing stock of the following varieties of cloth, namely:

shirting, poplin, voil, prints, twill, drill coating and fents.

P. R. SINHA,

Director of Textiles.

Printed and published by the Superintendent, Government Printing, West Bengal.
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istered No. 2207

WEST BE... LEGISLATIVE ...EMBLY DEPARTMENT

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TUESDAY, AUGUST 31, 1948

RT I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL.

DEPARTMENT OF COMMERCE, LABOUR AND INDUSTRIES.

Commerce.

NOTIFICATION.

No. 4388Com.—30th August 1948.—In exercise f the power conferred by paragraph (*b*) of the xplanation to sub-section (*2*) of section 3 of the Vest Bengal Raw Jute Futures Ordinance, 1948 West Bengal Ordinance X of 1948), the Governor s hereby pleased to recognize the following raw ute futures markets for the purposes of the said aragraph :—

(1) The East India Jute and Hessian Exchange, Ltd., 98/2, Netaji Subhas Road, Calcutta.

(2) The Indian Jute and Cotton Association, Ltd., 5/1, Royal Exchange Place, Calcutta.

(3) The Calcutta Wheat and Seeds Association, 149, Cotton Street, Calcutta.

By order of the Governor,
S. K. CHATTERJEE,
Secy. to the Govt. of West Bengal.

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WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT
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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1166L.—30th August, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL CEMENT CONTROL BILL, 1948.

A

BILL

to confer powers to control the production, supply and distribution of, and trade and commerce in, cement in West Bengal.

WHEREAS it is expedient to confer powers to control the production, supply and distribution of, and trade and commerce in, cement in West Bengal;

It is hereby enacted as follows:-

Short title, extent and commencement.

1. (*1*) This Act may be called the West Bengal Cement Control Act, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall come into force on the date on which the West Bengal Cement Control Ordinance, 1948, ceases to operate. West Ben. Ord. IX of 1948.

Definition.

2. In this Act, unless there is anything repugnant in the subject or context, "cement" includes portland cement, any other cementitious product manufactured by intergrinding or intermixing portland cement as defined in the British Standard Specifications of 1940, with any active or inert material, white and coloured cements, high alumina cements, and any product manufactured by direct mixing of some or all oxides constituting normal portland cement.

Power to control production, supply, distribution, etc. of cement.

3. (*1*) The Provincial Government, so far as it appears to it to be necessary or expedient for maintaining or increasing the supply of cement or for securing its equitable distribution and availability at fair prices, may, by order in the *Official Gazette*, provide for regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein within West Bengal.

The West Bengal Cement Control Bill, 1948.

(Clauses 4—6.)

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—

(a) for regulating by licenses, permits or otherwise the production or manufacture of cement;

(b) for regulating or controlling the prices at which cement may be purchased or sold and for prescribing the conditions of sale thereof;

(c) for regulating by licenses, permits or otherwise, the storage, transport, movement, possession, distribution, disposal, acquisition, use or consumption of cement;

(d) for prohibiting the withholding from sale of cement ordinarily kept for sale;

(e) for requiring any person holding stock of cement to sell the whole or specified part of the stock at such prices and to such persons or classes of persons or in such circumstances, as may be specified in the order;

(f) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;

(g) for requiring persons engaged in the production, supply or distribution of, or trade or commerce in, cement to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto, as may be specified in the order; and

(h) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles, vessels and aircraft, the seizure by a person authorised to make such search of cement in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, the grant or issue of licenses, permits or other documents, and the charging of fees therefor.

(3) When any cement is seized under the authority of any order made under sub-section (1), the person seizing the cement shall make a report of such seizure to a Magistrate who may give such directions as to its temporary custody as he thinks fit so, however, that where no prosecution is instituted for contravention of the order in respect of the cement seized within a period in his opinion reasonable, the Magistrate shall direct its return to the person from whom it was seized; and the provisions of the Code of Criminal Procedure, 1898, shall, so far as they may be applicable, apply to any search or seizure under any such order as they apply to any search or seizure under Chapter VII of that Code. Act V of 1898.

Delegation of powers.

4. The Provincial Government may, by order in the *Official Gazette*, direct that the power to make orders under section 3 shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by such Officer or authority subordinate to the Provincial Government as may be specified in the direction.

Effect of orders inconsistent with other enactments.

5. Any order made under section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

Penalties.

6. If any person contravenes any order made under section 3, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both, and, if the order so provides, any Court, trying such contravention, may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to His Majesty.

The West Bengal Cement Control Bill, 1948.

(Clauses 7—16.)

Attempts and abetments.

7. Any person who attempts to contravene, or abets a contravention of, any order made under section 3, shall be deemed to have contravened that order.

Offences by corporation.

8. If the person contravening an order made under section 3 is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

False statement.

9. If any person —

(*i*) when required by any order made under section 3 to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or

(*ii*) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish,

he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Cognizance of offences.

10. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code. Act XLV of 1860.

Power to try offences summarily.

11. Any magistrate or bench of magistrates empowered for the time being to try in a summary way the offences specified in sub-section (*1*) of section 260 of the Code of Criminal Procedure, 1898, may, on application in this behalf being made by the prosecution, try in accordance with the provisions contained in sections 262 to 265 of the said Code any offence punishable under this Act. Act V of 1898.

Special provision regarding fines.

12. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the First Class specially empowered by the Provincial Government in this behalf and for any Presidency Magistrate to pass a sentence of fine exceeding one thousand rupees on any person convicted of contravening an order made under section 3.

Savings.

13. No order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

Protection of action taken under the Act.

14. (*1*) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

(*2*) No suit or other legal proceeding shall lie against the Crown for any damages caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

Power to exempt certain varieties of cement.

15. The Provincial Government may, by notification in the *Official Gazette*, exempt any variety of cement from all or any of the provisions of this Act.

Continuance of action taken under West Ben. Ord. X of 1948.

16. Any order or direction issued or any action taken or anything done or any penalty, forfeiture or punishment incurred or imposed or any proceeding commenced in exercise of any power conferred by the West Bengal Cement Control Ordinance, 1948, shall, on the said Ordinance ceasing to be in operation, be deemed to have been issued, taken, done, incurred, imposed or commenced under the provisions of this Act as if this Act had commenced on the 6th day of August, West Ben. Ord. IX of 1948.

STATEMENT OF OBJECTS AND REASONS.

During the last War, control over the distribution and price of cement was exercised by the Central Government by notifications issued under the Defence of India Rules. With the lapse of the Defence of India Rules, this control by the Centre also lapsed, and, until recently, there was no provincial law in West Bengal under which the price or distribution of cement within the Province could be controlled and it was considered that unless power was taken by legislation to regulate the price and distribution of the available supply, it would be difficult to prevent the commodity from getting into the blackmarket and being sold at excessive prices. As the matter was very urgent and the Legislature was not in session, the Governor in exercise of the powers conferred on him by section 88(*1*) of the Government of India Act, 1935, promulgated the West Bengal Cement Control Ordinance, 1948. Under section 88(*2*) of the said Act, the Ordinance will cease to operate at the expiration of six weeks from the re-assembly of the Legislature but it is necessary that the powers conferred by the Ordinance should be retained beyond that date and with this object in view the present Bill has been drafted.

CALCUTTA,
The 25th August, 1948.

PRAFULLA CHANDRA SEN,
Member-in-charge.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal,
at West Bengal Government Press, Alipore, on the 31st August, 1948.

Reg. No. C

The Calcutta Gazette

Extraordinary

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FRIDAY, SEPTEMBER 3, 1948

WEST BENGAL LEGISLATIVE DEPARTMENT

File No.

Diary No.

PART I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME (PRESS) DEPARTMENT.

NOTIFICATION.

852Pr.—3rd September 1948.—In exercise power conferred by section 19 of the Indian Emergency Powers) Act, 1931 (Act XXIII 31), the Governor is pleased to declare all wherever found, of a booklet in Bengali ed "Biplaber Kalakausal" (tactics of revolu- translated by Sunil Krishna Sen from the al written by Ram Nandan Misra and pub- l by Kamal Sen, Propaganda Secretary of the list Book Club, from 4/26 Fern Road, ta, and all other documents containing

copies, reprints or translations of, or extracts fr
the said booklet to be forfeited to His Majesty,
the ground that the said booklet contains mat
of the nature described in clauses (*a*), (*f*) and
of sub-section (*1*) of section 4 of the said Act.

By order of the Governo

P. C. ACHARJI,

Dy. Secy. to the Govt. of West Beng

Printed and published by the Superintendent Govt. Ptg., West
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GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

o. 1505L.—4th September, 1948. The not having been pleased to order, under 17 of the West Bengal Legislative Assembly edure Rules, the publication of the following together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE BENGAL TANKS IMPROVEMENT (WEST BENGAL AMENDMENT) BILL, 1948.

A

BILL

further to amend the Bengal Tanks Improvement Act, 1939.

WHEREAS it is expedient further to amend the Bengal Tanks Improvement Act, 1939, for the purposes and in the manner hereinafter appearing; Ben. Act XV of 1939.

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bengal Tanks Improvement (West Bengal Amendment) Act, 1948.

(*2*) It shall come into force on the date on which the Bengal Tanks Improvement (West Bengal Amendment) Ordinance, 1948, ceases to operate. West Ben. Ord. I of 1948.

Amendment of section 2 of Bengal Act XV of 1939.

2. In section 2 of the Bengal Tanks Improvement Act, 1939 (hereinafter referred to as the said Act),—

(*a*) before clause (*1*) the following clause shall be inserted, namely:—

"(*a1*) 'agricultural land' includes land used for the growing of vegetables and the like and also waste land which is capable of cultivation but does not include a fruit garden, an orchard, any temple, mosque or homestead land"; and

(*b*) after clause (*5*) the following clause shall be inserted, namely:—

"(*5a*) 'person having control over a tank' does not include a person by whom the tank is held for a limited time and whose interest in the tank is not transferable;".

Amendment of section 3.

3. In section 3 of the said Act, for the words "requiring him" the words "requiring such person to intimate to him within a period specified in the notice if such person is willing to carry out and in case such person is so willing then," shall be substituted.

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 4—7.)

Amendment of section 4.

4. In section 4 of the said Act, —

(*a*) in sub-section (*1*),—

(*i*) for the words and figure "If the improvements referred to in section 3 are not carried out" the following words and figure shall be substituted, namely :—

"If the person having control over the tank does not send any intimation or sends any intimation to the Collector within the period fixed under section 3 that he is not willing to carry out the improvements referred to in that section or if such person sends any intimation to the Collector within such period that he is willing to carry out the improvements but fails to carry out the improvements", and

(*ii*) for the words "by a notice to" the words "by a notice served in the prescribed manner on" shall be substituted;

(*b*) to sub-section (*2*) the following words and figures shall be added, namely :—

"or the number entered in the record-of-rights finally published under Chapter X of the Bengal Tenancy Act, 1885, of the survey plot comprising such tank"; and VIII of 1885.

(*c*) in sub-section (*3*), for the word "issue" the word "confirmation" shall be substituted.

Amendment of section 6.

5. In sub-section (*2*) of section 6 of the said Act, after the words "give preference to" the words "the sole owner or" shall be inserted.

Insertion of new section 6A.

6. After section 6 of the said Act, the following section shall be inserted, namely : -

Order for possession of lands adjoining a derelict tank for carrying out improvements in such tank.

"6A. (*1*) If any authorised person considers it necessary for the purpose of carrying out the improvements in a derelict tank to take possession of any land adjoining such tank, he may,—

(*a*) if he is the Collector, take possession of such land by order in writing, and

(*b*) if he is not the Collector, apply in the prescribed manner to the Collector to be empowered to take possession of such land and the Collector may, if he is satisfied after considering the application that such land is required for carrying out the improvements, empower the authorised person by order in writing to take possession of such land :

Provided that the Collector shall not take possession or empower any authorised person to take possession of such land without giving in the prescribed manner the person in possession of such land reasonable opportunity of making any representation he may like to make and without considering any representation so made.

(*2*) Every order made under sub-section (*1*) shall specify the boundaries of the land to which it relates or the number entered in the record-of-rights finally published under Chapter X of the Bengal Tenancy Act, 1885, of the survey plot comprising such land and shall be in such form as may be prescribed.".

Amendment of section 7.

7. In section 7 of the said Act,—

(*1*) in sub-section (*1*),—

(*a*) for the words "If any authorised person—" the words "If any authorised person other than

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 8—10.)

(*b*) for clause (*a*) the following clause shall be substituted, namely:—

"(*a*) fails to carry out the improvements to the satisfaction of the Collector in accordance with the conditions referred to in sub-section (*3*) of section 6",

(*c*) after the words and figure "made under section 6" the words, figures, letters and brackets "as well as any order made under clause (*b*) of sub-section (*1*) of section 6A" shall be inserted,

(*d*) after the words "in respect of the tank" the words, figures, letters and brackets "and in respect of any land of which possession is taken as a result of an order made under clause (*b*) of sub-section (*1*) of section 6A" shall be inserted, and

(*e*) after the words "shall take possession of the tank" the words "and such land" shall be added; and

(*2*) in sub-section (*2*), after the word "tank" the words "and such land" shall be inserted.

Amendment of section 8.

8. For section 8 of the said Act, the following section shall be substituted, namely:—

"8. Subject to the provisions of this Act, the Collector or an authorised person shall be entitled to remain in possession of a derelict tank of which possession has been taken under the provisions of this Act for such period not exceeding twenty-five years from the date on which possession of the derelict tank was taken under section 5 or section 6 as may, in the opinion of the Collector, be necessary to recover the amount referred to in sub-section (*4*) of section 17:

Authorised person to retain possession of a derelict tank for a period not exceeding twenty-five years.

Provided that the Collector, may, after considering the views of the authorised person, if any, and for reasons to be recorded in writing, vary such period from time to time subject to the maximum limit of twenty-five years".

Amendment of section 9.

9. For clause (*a*) of section 9 of the said Act, the following clause shall be substituted, namely:—

"(*a*) such person pays to the Collector so much of the costs incurred up to that time both by the authorised person in carrying out the required improvements in the tank and by the Collector in carrying out the purposes of this Act in respect of the tank as remains unrecovered after realisation by the authorised person under this Act of the fees referred to in section 17 or of any sum under any lease referred to in section 18, together with interest on the costs so remaining unrecovered at a rate not exceeding six and a quarter *per centum per annum*, and".

Insertion of new sections 9A, 9B and 9C.

10. After section 9 of the said Act, the following sections shall be inserted, namely:—

"9A. An authorised person shall be entitled to remain in possession of any land adjoining a derelict tank of which possession is taken under section 6A as long as such person remains in possession of such derelict tank under section 8.

Authorised person to retain possession of land adjoining a tank during the period of possession of such tank.

9B. (*1*) Notwithstanding anything contained in section 9A, if the person recorded as entitled to possession of any land adjoining a derelict tank in the record-of-rights referred to in section 22 or his successor in interest is not the person recorded as entitled to possession of such derelict tank in the record-of-rights referred in the said section or his successor in interest, then the Collector may, at the request of the person so recorded as entitled to possession of such land or his successor in interest or of the authorised person

Restoration of possession of land adjoining a derelict tank and the retaking of possession of such land.

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 11, 12.)

possession of such land to the person so recorded as entitled to possession of such land or to his successor in interest, although the possession of the tank by the authorised person has not terminated, and when the possession of such land is so restored all rights in the land which existed prior to the time when possession was taken of the land under section 6A shall be revived:

Provided that before the Collector takes any action under this sub-section at the request of any person other than the authorised person, the Collector shall give the authorised person a reasonable opportunity of making any representation he may like to make and the Collector shall consider any representation so made.

(*2*) The person to whom the possession of such land has been restored under sub-section (*1*) shall not use it in such manner as may cause damage to the banks of the derelict tank or may affect the use of the tank for the purposes of irrigation.

(*3*) If the person referred to in sub-section (*2*) fails, in the opinion of the Collector, to comply with the provisions of that sub-section, the Collector may,—

(*a*) again empower the authorised person by an order in writing to take possession of such land whereupon the authorised person shall forthwith take possession thereof, or

(*b*) if he is the authorised person, himself again take possession of such land by order in writing,

and the authorised person so taking possession of such land again shall retain such possession as long as he remains in possession of the tank.

(*4*) Every order made under sub-section (*3*) shall specify the boundaries of the land to which it relates or the number entered in the record-of-rights finally published under Chapter X of the Bengal Tenancy Act, 1885, of the survey plot comprising such land and shall be in such form as may be prescribed. VIII of 1885.

Restoration of possession of land adjoining a derelict tank on the restoration of possession of such tank under section 9.

9C. When the possession of a derelict tank is restored by the Collector under section 9, the Collector shall at the same time restore the possession of any land adjoining such tank of which possession was taken under section 6A and has not already been restored under sub-section (*1*) of section 9B or of which possession was retaken under sub-section (*3*) of section 9B to the person recorded as entitled to possession of such land in the record-of-rights referred to in section 22 or to his successor in interest:

Provided that where the person to whom the possession of the tank is restored under section 9 is not the person recorded as entitled to possession of such land in the said record-of-rights or his successor in interest, the possession of such land shall not be so restored until the improvements, if any, required to be carried out in the tank under clause (*b*) of the proviso to section 9 have been completed if the person to whom the possession of the tank is so restored agrees to pay the person so recorded as entitled to possession of such land the compensation which would have been payable by the authorised person under sub-section (*1*) of section 14A if such authorised person had continued to be in possession of such land.".

Amendment of section 10.

11. In section 10 of the said Act, after the words "derelict tank" the words, figures, letters and brackets "or any land of which possession is taken under section 6A or is retaken under sub-section (*3*) of section 9B" shall be inserted.

Amendment of section 11.

12. In section 11 of the said Act,—

(*a*) after the words "derelict tank", the words "or of any land adjoining a derelict tank under this Act" shall be inserted;

(*b*) after the words "said tank", the words "or land" shall be inserted; and

(*c*) in the proviso, after the words

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 13—15.)

Amendment of section 12.

13. Section 12 of the said Act shall be renumbered as sub-section (*2*) of that section and before the said section, as so renumbered, the following sub-section shall be inserted, namely:—

"(*1*) Where a derelict tank is, at the time of the taking of possession thereof by an authorised person, in the actual possession of the owner of the tank, the authorised person shall pay, during the period he remains in possession, to such owner at such times and in such manner as may be prescribed, such rent as the Collector, after such inquiry as he thinks fit, may determine:

Provided that where the authorised person is the owner of the tank in actual possession thereof, no such payment of the rent determined by the Collector under this sub-section shall be necessary; but the amount of such rent shall be included in and form part of the costs incurred or likely to be incurred by the authorised person in carrying out the required improvements in the tank.".

Amendment of section 14.

14. In section 14 of the said Act,—

(*a*) in sub-section (*1*), the words "but not less than the *salami* paid by such cultivator for the lease" shall be omitted; and

(*b*) to that sub-section, the following provisos shall be added, namely:—

"Provided that the compensation payable to such cultivators shall not be less than an amount which bears to the total amount of *salami*, as determined by the Collector to have been paid for obtaining the lease, the same ratio as the unexpired period of lease bears to the total period of such lease:

Provided further that where no period of lease is expressly mentioned or agreed to between the parties concerned the total period of lease shall be taken as twelve years.".

Insertion of new section 14A.

15. After section 14 of the said Act, the following section shall be inserted, namely:—

Payment of compensation to persons having rights in lands adjoining a tank of which possession is taken under this Act.

"14A. (*1*) Where the owner of a derelict tank is not the owner of any land adjoining such tank of which possession is taken under section 6A, or retaken under sub-section (*3*) of section 9B, the authorised person shall, at such times and in such manner as may be prescribed, pay to the person in possession of such land at the time of taking or retaking possession thereof such compensation as the Collector, after such inquiry as he thinks fit, may determine. Such compensation shall not be less than the amount of the rent which the person so dispossessed is liable to pay in respect of the land and shall be deemed to be a full and complete satisfaction for all loss suffered by such person as a result of interference with his possession.

(*2*) Where the owner of a derelict tank is also the owner of any land adjoining such tank of which possession is taken under section 6A, or retaken under sub-section (*3*) of section 9B, the authorised person shall—

(*a*) in the case where such land is in the actual possession of the owner thereof, pay at such times and in such manner as may be prescribed to such owner such rent as the Collector, after such inquiry as he thinks fit, may determine:

Provided that where the authorised person is the owner of such land in actual possession thereof, no such payment of the rent determined by the Collector under this clause shall be necessary; but the amount of such rent shall be included in and form part of the costs incurred or likely to be incurred by the authorised person in carrying out the [illegible] of the tank; and

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(Clauses 16, 17.)

(*b*) in other cases, pay at such times and in such manner as may be prescribed to any person to whom such land has been leased out and who holds such land as lessee at the time such possession is taken or retaken and to every other person having at that time, on payment of any rent or charge, any right in such land, such compensation as the Collector, after such inquiry as he thinks fit, may determine, and such compensation shall not be less than the amount of the rent or charge which the person to whom the compensation is paid continues to be liable to pay to the owner or the tenant of such land and shall be deemed to be a full and complete satisfaction for all loss suffered by every such person as a result of the interference with the exercise of his right.".

Amendment of section 15.

16. Section 15 of the said Act shall be renumbered as sub-section (*1*) of that section and to the said section, as so renumbered, the following sub-section shall be added, namely:—

"(*2*) During the period any land, of which possession is taken under section 6A, or retaken under sub-section (*3*) of section 9B, remains in the possession of an authorised person, no person shall without the permission of the authorised person use or occupy such land or take fruits from trees on, or other produce from, such land.".

Substitution of new sections for sections 16 and 17.

17. For sections 16 and 17 of the said Act, the following sections shall be substituted, namely:—

"16. During the period of possession all rights to use the water of the tank for irrigation purposes shall vest in the authorised person and no person shall use the water of the tank for such purposes except with the permission of the authorised person or in so far as he may be permitted to do so by or under the provisions of this Act.

Rights to use the water of the tank.

16A. (*1*) When the possession of any tank has been taken under section 5 or section 6 the Collector shall determine in the prescribed manner the maximum area of land to the limits of which irrigation from the said tank may practicably be extended (hereinafter referred to as the maximum irrigation area) and the system and alignment by which and the priority in accordance with which such irrigation can be so extended to the land in that area, and shall publish a notice in the prescribed form and manner defining the limits of the maximum irrigation area and specifying the system, alignment and priority so determined.

Maximum irrigation area.

(*2*) Every person possessing agricultural land within the maximum irrigation area shall, subject to the provisions of sub-sections (*3*) and (*4*), be liable to pay a fee annually during the period of possession to the authorised person at the rate fixed and in the manner provided under section 17 and such liability shall not cease by reason of such person not using water for irrigation purposes from the tank to which the maximum irrigation area relates.

(*3*) Any person concerned may, within thirty days of the date of the publishing of the notice referred to in sub-section (*1*), apply in the prescribed form and manner and on payment of the prescribed fee to the Collector for—

(*a*) including any land within the maximum irrigation area,

(*b*) excluding any land from the maximum irrigation area, and

(*c*) exempting any land or part of any land from liability to pay the fees referred to in sub-section (*2*) on the ground that such land cannot practicably be irrigated from the tank to which the maximum irrigation area relates, or cannot be benefited by such irrigation or that such land is not agricultural land,

and the Collector after giving the applicant a reasonable opportunity of being heard may [illegible] inclusion [illegible]

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clause 17.)

(*4*) The Collector may, of his own motion at any time after the expiry of thirty days from the date of publishing of the notice referred to in sub-section (*1*), include within the maximum irrigation area any land which was not agricultural land at the time of publication of such notice but has subsequently been converted into agricultural land, or otherwise revise the limits of the maximum irrigation area or exempt any land or part of any land within such maximum irrigation area from liability to pay the fees referred to in sub-section (*2*) and the Collector shall modify the list referred to in sub-section (*1*) of section 16B accordingly:

Provided that before any order for such inclusion, revision or exemption is passed all persons concerned shall, by notice served or published in the prescribed manner, be given a reasonable opportunity of making any representation which they may like to make and the Collector shall consider such representation.

Preparation of list.

16B. (*1*) As soon as may be after the Collector has disposed of any applications made under sub-section (*3*) of section 16A, he shall prepare a list in the prescribed form and manner of the persons who are liable to pay the fee referred to in sub-section (*2*) of that section and such list shall specify the amount of agricultural land within the maximum irrigation area in respect of which each such person is to pay such fee and the amount of such fee which such person is to pay annually to the authorised person.

(*2*) The Collector shall publish the list referred to in sub-section (*1*) and every modification of such list in the manner prescribed and shall, where the authorised person is not the Collector, forward a copy of such list and every modification of such list to the authorised person who shall permit every person whose name is entered in the list or his successor in interest to use the water of the tank for the irrigation of the land of such person as long as the amount of the fee payable by such person is duly paid and not otherwise.

(*3*) If any dispute arises between persons entered in the list prepared under sub-section (*1*) as to any matter in respect of the use of water by such persons from the tank for the irrigation of their lands the authorised person or a person authorised in this behalf by the Collector shall decide the dispute and his decision, subject to the provisions of section 26, shall be final.

Payment and rate of fees.

17. (*1*) Every person whose name is included in the list referred to in sub-section (*1*) of section 16B or his successor in interest shall pay annually and in the prescribed manner and on the dates prescribed to the authorised person or to such person as may be authorised by the Collector in this behalf the fees fixed according to the provisions of this section.

(*2*) If the fees payable under sub-section (*1*) are not paid within thirty days from the due date fixed for such payment, interest on the amount of the fees so outstanding shall be payable at the rate of six and one quarter *per centum per annum* calculated from the day on which such payment became due until the date on which the amount of the fees so outstanding is paid or recovered, as the case may be.

(*3*) The Collector shall fix, in respect of any tank of which possession is taken under this Act and for which the maximum irrigation area has been determined by the Collector, the rate or rates at which fees to be paid to the authorised person under sub-section (*1*) shall be calculated and different rates may be so fixed for classes of agricultural lands of different descriptions or having different advantages or for lands for the irrigation of which any person had at the time when possession was taken of the tank under this Act the prescriptive right to use water for irrigation.

(*4*) The rate to be fixed under sub-section (*3*) shall be such that all costs incurred or likely to be incurred—

(*i*) by the authorised person in carrying out the required improvements in the tank; and

(*ii*) by the Collector in carrying out the purposes of this Act in respect of the tank;

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 18—21.)

one quarter *per centum per annum* and together with an amount estimated by the Collector as is likely to be necessary for maintaining the tank in proper condition during the period of possession determined by the Collector under section 8.

(*5*) The Collector may revise the rate or rates of fees fixed under this section in respect of any tank.

(*6*) Any sum due to the authorised person under this section shall be recoverable as a public demand.

Passage of water.

17A. No person shall obstruct the passage of any water taken for irrigation purposes from any tank in accordance with the system, alignment and priority for taking water as determined by the Collector under sub-section (*1*) of section 16A.".

Amendment of section 18.

18. Section 18 of the said Act shall be re-numbered as sub-section (*1*) of that section and to the said section, as so re-numbered, the following sub-sections shall be added, namely:—

"(*2*) During the period any land of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B remains in the possession of an authorised person, such authorised person may, subject to the provisions of this Act and the previous permission of the Collector, lease to any person for a period not extending beyond the said period of possession any part of the said land or any right to take fruits from trees on, or other produce from, such land.

(*3*) Any sum due to the authorised person under any lease granted under this section shall be recoverable as a public demand.

(*4*) All sums realised or estimated to be realised by the Collector or by the authorised person under any lease granted under this section and any other income derived from the tank including banks thereof and from adjoining lands taken possession of under section 6A and by the sale of silt or otherwise, shall be applied in payment of the costs recoverable under sub-section (*4*) of section 17".

Amendment of section 19.

19. In section 19 of the said Act, after the words "derelict tank" the words, figures, letters and brackets "or in respect of any land of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B" shall be inserted.

Insertion of new section 19A.

20. After section 19 of the said Act, the following section shall be inserted, namely:—

Bar to acquisition of occupancy rights in lands leased out under section 18.

"19A. Notwithstanding anything contained in the Bengal Tenancy Act, 1885, no person shall acquire any occupancy right in any part of the banks of, or in any land adjoining, a tank leased out to such person under section 18 and no person who has held any part of the banks of any tank under a lease under section 18 at any time since the commencement of this Act shall be deemed to have acquired any occupancy right therein.". VIII of 1885.

Substitution of new section for section 20.

21. For section 20 of the said Act, the following section shall be substituted, namely:—

Application of the Act to tank improved as a relief measure.

"20. (*1*) When any tank has been re-excavated at the expense of the Provincial Government as a relief measure by the system commonly known as Test or Famine Relief, the Collector may, after giving an opportunity to the person having control over the tank to be heard in the matter, direct that possession of such tank should be taken over by the Collector.

(*2*) When possession of any improved tank is taken over under sub-section (*1*) such tank shall be deemed for the purposes of this Act to be a tank taken over and improved under the provisions of this Act and the provisions of this Act shall thereupon apply *mutatis* [illegible]

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 22, 23.)

Substitution of new section for section 21.

22. For section 21 of the said Act, the following section shall be substituted, namely:—

"21. (*1*) When the possession of a derelict tank is terminated in accordance with the provisions of section 8, the tank shall be restored to the possession of the persons who were recorded as entitled to possession thereof in the record-of-rights referred to in section 22, or their successors in interest and any land possession of which was taken under section 6A but has not been previously restored under section 9B or section 9C or possession of which has been retaken under sub-section (*3*) of section 9B shall be restored to the possession of the persons who are recorded as entitled to possession thereof in the record-of-rights referred to in section 22 or their successors in interest.

Restoration of possession of tank.

(*2*) When possession of any tank or land is restored under sub-section (*1*) or under section 9, all rights in the tank including all rights to use the water for the purposes of irrigation which existed prior to the time when possession was first taken of the tank under section 5 or section 6 and all rights in such land which existed prior to the time when possession of the land was taken under section 6A or retaken under sub-section (*3*) of section 9B, as the case may be, excepting any rights for which compensation has been paid under section 14, shall be revived.".

Amendment of section 22.

23. In sub-section (*1*) of section 22 of the said Act,—

(*a*) after the words "under this Act", the words, figures, letters and brackets "and a record-of-rights in respect of the lands adjoining such tanks of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B" shall be inserted;

(*b*) after the words "such tank", the words "or during the period for which any such land remains in the possession of an authorised person" shall be inserted;

(*c*) after the words "in the record-or-rights", the words "in respect of such tank or such land" shall be added; and

(*d*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1a*) In the record-of-rights prepared under sub-section (*1*), there shall be shown in addition to any other details that may be prescribed, the following:—

(*a*) the names of all persons from the actual possessor upwards up to and including the owner having permanent transferable right in the tank and adjoining lands together with their addresses, nature and extent of right and interest in the tank and adjoining lands as existing immediately before possession of such tank or land is taken under the provisions of this Act;

(*b*) the revenue or rent and cesses, if any, payable by the different persons referred to in clause (*a*) in respect of the tank or land or if that be not ascertainable then the revenue or rent and cesses in respect of the estate, tenure or holding in which such tank or land is included; and

(*c*) the numbers of cadastral survey plots together with the names and addresses of possessors of such plots who may have immediately before possession of such tank is taken the prescriptive right of taking water from such [illegible] purposes."

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 24—29.)

Substitution of new section for section 23.

24. For section 23 of the said Act, the following section shall be substituted, namely:—

"23. (*1*) The Provincial Government may, by order published in the *Official Gazette*, direct that any tank which may have been improved under the provisions of this Act prior to the commencement of the Bengal Tanks Improvement (West Bengal Amendment) Act, 1948, shall, with effect from a date to be specified in such order, be deemed to have been improved in accordance with the provisions of this Act as amended by the last mentioned Act.

Application of the Act to certain tanks.

(*2*) When an order under sub-section (*1*) is made in respect of any tank, the Collector shall, in the prescribed manner, prepare or revise the list of maximum irrigation area, revise the order regarding period of possession and assessment of fees and take such other action as may be deemed necessary to give effect to such order.".

Substitution of new section for section 24.

25. For section 24 of the said Act, the following section shall be substituted, namely:—

"24. All costs incurred by the Collector in carrying out the purposes of this Act in respect of a tank of which possession is taken under section 6 or in respect of any land of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B shall be paid by the authorised person at such times and in such manner as may be prescribed, and on default in payment thereof the same shall be recoverable by the Collector as a public demand.".

Costs.

Amendment of section 25.

26. Section 25 of the said Act shall be renumbered as sub-section (*1*) of that section, and—

(*a*) in the said section, as so renumbered, the words, figures and brackets "or among any other persons referred to in sub-section (*2*) of section 16" shall be omitted; and

(*b*) to the said section, as so renumbered, the following sub-section shall be added, namely:—

"(*2*) During the period any land of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B remains in the possession of an authorised person, all disputes relating to the exercise of any rights in respect of such land shall be decided by the Collector in such manner as may be prescribed.".

Amendment of section 26.

27. In section 26 of the said Act,—

(*a*) after the words "any action", the words "or decision" shall be inserted, and

(*b*) after the words "other than the Collector", the words "or any person authorised by the Collector" shall be inserted.

Amendment of section 29.

28. In section 29 of the said Act,—

(*a*) after the word "tank", the words "or of any land adjoining such tank" shall be inserted; and

(*b*) after the words "period of possession", the words "of such tank or during the period for which any such land remains in the possession of an authorised person" shall be inserted.

Amendment of section 30.

29. Section 30 of the said Act shall be renumbered as sub-section (*1*) of that section and after sub-section (*1*), as so renumbered, the following sub-section shall be added, namely:—

"(*2*) No suit or other proceedings shall lie against the Collector, other authorised person or any officer or worker employed by or under the Collector for anything in good faith done or [illegible] done or purported to be done

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 30–31.)

Amendment of section 33.

30. In section 33 of the said Act, after the word "tank" the words "or in the land adjoining such tank" shall be inserted.

Amendment of section 34.

31. In section 34 of the said Act, after the word and figure "section 5" the words, figures, letters and brackets "or clause (*a*) of sub-section (*1*) of section 6A, or clause (*b*) of sub-section (*3*) of section 9B" shall be inserted.

Amendment of section 35.

32. In section 35 of the said Act, for the words, figures and brackets "or sub-section (*1*) of section 16" the words, figures and letter "section 16 or section 17A" shall be substituted.

Amendment of section 36.

33. In section 36 of the said Act, after the word "tank" the words "or of any land adjoining a tank" shall be inserted.

Amendment of section 37.

34. In sub-section (*2*) of section 37 of the said Act,—

(*1*) in clause (*a*), for the words, figures and brackets "order under sub-section (*1*) of section 6" the words, figures, letters and brackets "orders under sub-section (*1*) of section 6, sub-section (*1*) of section 6A and sub-section (*3*) of section 9B" shall be substituted;

(*2*) in clause (*b*), after the word and figure "section 3" the words, figures and brackets "sub-section (*1*) of section 4" shall be inserted;

(*3*) after clause (*c*), the following clause shall be inserted, namely:—

"(*cc*) the manner of making an application under clause (*b*) of sub-section (*1*) of section 6A and of giving reasonable opportunity to the person in possession of the land to make any representation under the proviso to the said sub-section;";

(*4*) in clause (*d*), for the words, figures and brackets "and sub-section (*2*) of section 14" the words, figures, letter and brackets "sub-section (*2*) of section 14 and sub-sections (*1*) and (*2*) of section 14A" shall be substituted;

(*5*) after clause (*d*), the following clauses shall be inserted, namely:—

"(*dd*) the manner of determining the maximum irrigation area and the system, alignment and priority of irrigation in that area, and the form and the manner of publishing the notice defining the limits of the maximum irrigation area and the system, alignment and priority of irrigation in that area, under sub-section (*1*) of section 16A and the form and manner of the application and the fee payable under sub-section (*3*) of that section;

(*ddd*) the manner of service and publication of notice referred to in the proviso to sub-section (*4*) of section 16A;

(*dddd*) the form of the list and the manner of its preparation under sub-section (*1*) of section 16B and the manner of publication of the list and every modification thereof under sub-section (*2*) of that section;

(*ddddd*) the manner and the dates of payment of fees under sub-section (*1*) of section 17;";

(*6*) in clause (*e*), for the word "record-of-rights" the word "records-of-rights" shall be substituted;

(*7*) after clause (*e*), the following clause shall be inserted, namely:—

The Bengal Tanks Improvement (West Bengal Amendment) Bill, 1948.

(Clauses 35, 36.)

(8) in clause (*f*), for the word and figures "section 25" the words, figures and brackets "sub-sections (*1*) and (*2*) of section 25" shall be substituted.

Continuance of action taken under West Bengal Ordinance I of 1948.

35. Any rules or orders made or anything done or any action taken in exercise of any power conferred by the said Act as amended by the Bengal Tanks Improvement (West Bengal Amendment) Ordinance, 1948, shall, on the said Ordinance ceasing to be in operation, be deemed to have been made, done or taken under the said Act as amended by this Act as if this Act had commenced on the 23rd day of April, 1948. West Ben. Ord. I of 1948.

Repeal of Ben. Act V of 1946.

36. The Bengal Tanks Improvement (Amendment) Act, 1946, is hereby repealed. Ben. Act V of 1946.

STATEMENT OF OBJECTS AND REASONS.

The Bengal Tanks Improvement Act, 1939, was passed in 1939 for improvement of derelict irrigation tanks. Experience in the working of this Act disclosed that it was necessary to take power from the Legislature for (*a*) making payment of water rate compulsory, (*b*) to empower Collectors to take possession of lands adjoining a derelict tank where this was found necessary for properly improving the tanks, (*c*) enabling Collectors to modify the period of possession, (*d*) preventing the accrual of occupancy right on the land taken over and leased, and (*e*) in respect of some other minor matters.

A Bill was introduced in the Assembly in 1944 for making these amendments in the original Act; but before the Amendment Bill could be passed, the Governor assumed to himself powers under section 93 of the Government of India Act, 1935. The Bill was thereafter published for eliciting public opinion, and after some modifications on the basis of opinions received, was enacted by the Governor in 1946 under section 93 of the said Act. The term of the Act expired on the 23rd April, 1948. A Bill was accordingly drawn up to re-enact the provisions of Bengal Act V of 1946 with some further modifications which it was thought necessary to introduce in the light of the experience of the last few years. The following are the more important changes proposed: —

(*a*) extending maximum period of possession from 20 to 25 years,

(*b*) enabling tanks improved as relief measure being treated as tanks improved under the Act,

(*c*) providing for uniformity of procedure being adopted for tanks improved under the old and new Acts,

(*d*) making excess water rate assessable for lands without irrigation easement optional.

The above modifications, it was considered, would make the operations under the Act much smoother and quicker.

As the last session of the Assembly was suddenly prorogued and as arrangements had to be made to continue the operations under the Act uninterrupted, the Bengal Tanks Improvement (West Bengal Amendment) Ordinance, 1948, was promulgated, embodying the provisions of the Bill. The present Bill represents the provisions of the Ordinance, which are now required to be included in the statute book of the province.

JADABENDRA NATH PANJA.
Member-in-Charge.

CALCUTTA,
The 3rd September, 1948.

By order of the Governor,

B. K. GUHA,
Secy. to the Govt. of West Bengal.

The

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SATURDAY, SEPTEMBER 4, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME (PRESS) DEPARTMENT.

ORDERS.

No. 863Pr.—4th September 1948.—Whereas in the opinion of the Governor, the Urdu poster beginning with the words "Mussalmano Sainkaron Talki" and ending with "Ya Khud Chhapwao", published by Mahammad Yusuf Khan, B.A., LL.B., Advocate, Secretary, Indo-Pakistan Islam League, Ferozepur Road, Lahore, and printed at Urdu Type Press, 86, New Road, Garhi Shahu, Lahore, contains prejudicial report of the nature described in sub-section (*4*) of section 2 read with sub-clause (*iii*) of clause (*a*) of sub-section (*7*) of section 2 of the West Bengal Security Act, 1948 (Act III of 1948);

Now, therefore, in exercise of the power conferred by clauses (*d*) and (*e*) of sub-section (*1*) of section 8 of the said Act, the Governor hereby prohibits the further publication, sale or distribution of the said poster, of any extract therefrom or of any translation thereof, and declares to be forfeited to His Majesty all copies, wherever found, of the said poster and all other documents containing copies, reprints and translations of, or extracts from the said poster.

No. 860Pr.—4th September 1948.—Whereas in the opinion of the Governor, the leaflet in Bengali entitled "Dinajpurbasir Prati Nibedan" (Appeal to the people of Dinajpur) beginning with the word "Beradaran" and ending with "Paschim Dinajpur Muslim League Committee" contains prejudicial

report of the nature described in sub-section (4) of section 2 read with sub-clause (*ii*) of clause (*a*) of sub-section (7) of section 2 of the West Bengal Security Act, 1948 (Act III of 1948);

Now, therefore, in exercise of the power conferred by clauses (*d*) and (*e*) of sub-section (*1*) of section 8 of the said Act, the Governor hereby prohibits the further publication, sale or distribution of the said leaflet, of any extract therefrom or of any translation thereof, and declares to be forfeited to His Majesty all copies, wherever found, of the said leaflet and all other documents containing copies, reprints and translations of, or extracts from the said leaflet.

By order of the Governor,
P. C. ACHARJI,
Dy. Secy. to the Govt. of West Bengal.

EDUCATION DEPARTMENT.

Education.

NOTIFICATIONS.

No. 3348Edn.—3rd September 1948.—In exercise of the power conferred by sub-section (*3*) of section 1 of the Bengal (Rural) Primary Education Act, 1930 (Bengal Act VII of 1930), the Governor is pleased to direct that section 2, sections 6 to 35 and sections 37 to 67 of the said Act shall come into force in the district of Midnapore with effect from the 6th September 1948.

No. 3350Edn.—3rd September 1948.—In exercise of the power conferred by section 6 of the Bengal (Rural) Primary Education Act, 1930 (Bengal Act VII of 1930), the Governor is pleased to establish a District School Board for the district of Midnapore with effect from the 14th January 1949, consisting of the following members, viz:—

(1) The District Magistrate (*ex-officio*).

(2) The Subdivisional Magistrates of the Sadar, Contai, Jhargram, Ghatal and Tamluk subdivisions (*ex-officio*).

(3) The District Inspector of Schools (*ex-officio*).

(4) The Chairman and the Vice-Chairman of the District Board (*ex-officio*).

(5) Five members to be elected by the members of the District Board.

(6) Two members for each of the five subdivisions to be elected by the members of the union boards, union committees and panchayats within the subdivision.

(7) Five members to be appointed by the Provincial Government.

(8) Two members belonging to the scheduled castes to be appointed by the Provincial Government.

(9) One teacher of a primary school to be appointed by the Provincial Government.

By order of the Governor,
D. M. SEN,
Secy. to the Govt. of West Bengal

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF CIVIL SUPPLIES.
ORDER.

No. 10941D.C.S.—4th September 1948.—In exercise of the powers conferred by sub-paragraph (1) of paragraph 3 read with clause (*b*) of sub-paragraph (2) of the said paragraph of the West Bengal Cement Control Ordinance, 1948 (West Bengal Ordinance IX of 1948), the Governor is pleased to fix the price of Portland Cement imported by Messrs. National Stores (India), from Yugoslavia by S.S. "Ambra" at the rate of Rs. 161 per ton ex-godown exclusive of Sales Tax payable under the Bengal Finance (Sales Tax) Act, 1941.

By order of the Governor,
R. S. KRISHNASWAMY,
Secy. to the Govt. of West Bengal.

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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION

No. 1512L, 6th September, 1948. The Governor having been pleased to order, under rule 17 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the statement of Objects and Reasons are accordingly hereby published for general information :—

THE WEST BENGAL RAW JUTE FUTURES BILL, 1948.

A

BILL

to provide for the prevention of dealing in raw jute futures

WHEREAS it is expedient to provide for the prevention of dealing in raw jute futures;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the West Bengal Raw Jute Futures Act, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall come into force on the date on which the West Bengal Raw Jute Futures Ordinance, 1948, ceases to operate. West Ben. Ord. X of 1948.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,

(*1*) "contract relating to raw jute futures" means a contract relating to the sale or purchase of a screwed bale of raw jute made on a forward basis—

(*a*) providing for the payment or receipt, as the case may be, of margin in such manner and on such dates as may be specified in the contract, or

(*b*) by or with any person not being a person who—

(*i*) habitually deals in the sale or purchase of raw jute involving the actual delivery of possession thereof, or

(*ii*) possesses, or has control over, a godown and other means and equipments necessary for the storage and supply of raw jute;

The West Bengal Raw Jute Futures Bill, 1948.

(*Clauses 3—5.*)

(2) "margin" means the difference between the rate specified in a contract relating to the sale or purchase of a screwed bale of raw jute made on a forward basis and the rate prevailing on such date subsequent to the date of the contract as may be specified in the contract.

Power of Provincial Government to prohibit contracts relating to raw jute futures.

3. (1) The Provincial Government may, from time to time, if it so thinks fit, by notification in the *Official Gazette*, prohibit the making of contracts relating to raw jute futures and may, by like notification, withdraw such prohibition:

Provided that the withdrawal of any such prohibition shall not affect the operation of the provisions of sub-section (2) in respect of any contract relating to raw jute futures made prior to the date on which the prohibition is withdrawn.

(2) When the making of contracts relating to raw jute futures is prohibited by a notification under sub-section (1),—

(*a*) no person shall make any such contract or pay or receive any margin except, in the case of any such contract made prior to the date of the notification, to the extent to which the payment or receipt, as the case may be, of margin is allowable on the basis of the last closing rate in a notified market;

(*b*) no owner or occupier of any premises shall knowingly permit such premises to be used for the making of any such contract or for the payment or receipt of margin in contravention of the provisions of clause (*a*); and

(*c*) notwithstanding anything contained in any other law for the time being in force,

(*i*) every such contract made, and every claim in respect of margin, in contravention of the provisions of clause (*a*), shall be void and unenforceable, and

(*ii*) every such contract made prior to the date of publication of the notification shall be varied and settled on the basis of the last closing rate in a notified market.

Explanation.—In this sub-section,—

(*a*) "last closing rate" means the rate fixed by the Directors of a notified market to be the closing rate of such market immediately preceding the date of publication of the notification under sub-section (1) prohibiting the making of contracts relating to raw jute futures; and

(*b*) "notified market" means a raw jute futures market recognised by the Provincial Government by notification in the *Official Gazette*.

Penalty.

4. Whoever, in contravention of the provisions of section 3,—

(*a*) makes a contract relating to raw jute futures, or pays or receives, as the case may be, margin, or

(*b*) being the owner or occupier of any premises, knowingly permits such premises to be used for the making of a contract relating to raw jute futures, or for the payment or receipt of margin,

shall, on conviction, be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Special procedure.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Act shall be cognisable and non-bailable and shall not be triable by any Magistrate other than a Presidency Magistrate or Magistrate of the First Class.

Act V of 1898.

The West Bengal Raw Jute Futures Bill, 1948.

(Clause 6.)

Continuance of action taken under West Bengal Ordinance X of 1948.

6. Any notification issued or anything done or any action taken or any proceedings commenced in exercise of any power conferred by or under the West Bengal Raw Jute Futures Ordinance, 1948, shall, on the said Ordinance ceasing to operate, be deemed to have been issued, done, taken or commenced in exercise of powers conferred by or under this Act as it this Act had commenced on the 24th day of August, 1948. West Ben. Ord. X of 1948.

STATEMENT OF OBJECTS AND REASONS.

The principal use of a raw jute futures market is to provide a "hedge" enabling all those who require to carry the risk arising out of the uncertainty of future price movements to cover or insure against these risks. In practice, however, the raw jute futures markets in Calcutta have been operated upon by persons, who are not *bona fide* dealers, for the purpose of speculation.

The contracts made in such markets do not lead to the one party or the other making or taking delivery of raw jute contracted for, but profits or losses are made by one party or the other under a system of margins. The raw jute position has also radically changed after the partition of India. Whatever might have been the utility of raw jute futures markets before the partition, the present position is that three-quarters of the jute crop is located in the foreign country of Pakistan and is under their control. There is, therefore, hardly any utility of raw jute futures market in the Indian Union for the purpose of hedging. Recently, there has been a good deal of speculative dealings in the raw jute futures markets and this is considered to be one of the reasons leading to the sharp upward trend of raw jute prices. Government, therefore, considered the existence of raw jute futures markets definitely harmful for the trade and the industry as a whole and decided to ban them.

In view of the urgency of the matter the West Bengal Raw Jute Futures Ordinance, 1948, has already been promulgated under sub-section (*1*) of section 88 of the Government of India Act, 1935, and it has taken effect from the 24th August, 1948, being the date of its publication in the *Official Gazette*. As, however, under sub-section (2) of the said section 88, the said Ordinance will cease to operate on the expiration of six weeks from the reassembly of the West Bengal Legislative Assembly, the present Bill has been prepared for introduction in, and passing by, the said Assembly so as to implement the provisions of the said Ordinance by an Act of the legislature and to continue the actions taken under the said Ordinance after it so ceases to operate.

NALINI RANJAN SARKER,
Member-in-charge

CALCUTTA,
The 6th September, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 15091L.—6th September, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE BENGAL EXCISE (WEST BENGAL AMENDMENT) BILL, 1948.

A

BILL

further to amend the Bengal Excise Act, 1909.

WHEREAS it is expedient further to amend the Bengal Excise Act, 1909, for the purpose and in the manner hereinafter appearing; Ben. Act V of 1909.

It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Bengal Excise (West Bengal Amendment) Act, 1948.

The Bengal Excise (West Bengal Amendment) Bill, 1948.

(Clause 2.)

Amendment of section 2 of Bengal Act V of 1909.

2. To clause (*18*) of section 2 of the Bengal Excise Act, 1909, the following *explanation* shall be added, namely:— Ben. Act V of 1909.

"*Explanation.*—The supply of liquor by a club, mess, institute, society, lodge or other similar organisation by whatever name called to its members or their guests whether on payment of price or of any fee or subscription or not shall be deemed to be a sale within the meaning of this clause."

STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to amend sub-section (*18*) of section 2 of the Bengal Excise Act, 1909, so that all clubs having transactions in liquor may be licensed.

Under the existing provisions of the Excise Law, clubs or similar institutions in which a stock of liquor is kept solely for use of their members are not required to take out an excise license under section 20 of the Bengal Excise Act, 1909. For this reason such clubs do not come within the purview of the Dry Saturday rules made by the Excise Department after partition of the Province of Bengal in order to promote the cause of prohibition. Under those rules sale of liquor in all premises licensed for retail sale of liquor in Calcutta and other industrial areas is prohibited on every Saturday.

People who used to patronise licensed hotels and restaurants on Saturdays now turn to clubs for their drink on those days. This goes to defeat the object of the rules. At the same time, hotels and restaurants complain that the rules are discriminatory and affect their business adversely. The present Bill has been brought to cure this anomaly. The Bombay Abkari Act, 1878, and the Eastern Bengal and Assam Excise Act, 1910, already contain provisions of like nature.

MOHINI MOHAN BARMAN,
Member-in-Charge.

CALCUTTA,
The 4th September, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal

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GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1521L.—9th September, 1948.—The Governor having been pleased to order, under rule 67 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL LAND-REVENUE, RENT AND CESS (APPORTIONMENT) BILL, 1948.

A

BILL

to apportion and fix the land-revenues, rents, and cesses in respect of the portions situated within West Bengal of certain estates, Putni *and other tenures and holdings;*

WHEREAS certain estates, tenures and holdings in the Province of Bengal as it existed before the date on which the award came into force are comprised of lands situated, after the said date, partly in the Province of West Bengal in the Dominion of India and partly in the Province of East Bengal in the Dominion of Pakistan;

AND WHEREAS it is expedient to apportion and fix the land-revenues or rents, as the case may be, and the cesses payable in respect of the portions situated in West Bengal of the common estates, tenures or holdings;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the West Bengal Land-revenue, Rent and Cess (Apportionment) Act, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

The West Bengal Land-revenue, Rent and Cess (Apportionment) Bill, 1948.

(*Clauses 2—7.*)

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "award" means the award of the Boundary Commission referred to in section 3 of the Indian Independence Act, 1947; 10 & 11 Geo. VI, c. 30.

(*2*) the expression "common estates, tenures or holdings" means estates, tenures or holdings which are comprised of lands situated, after the date on which the award came into force, partly in the Province of West Bengal in the Dominion of India and partly in the Province of East Bengal in the Dominion of Pakistan;

(*3*) "prescribed" means prescribed by rules made by the Provincial Government under this Act;

(*4*) "Revenue-officer" includes any officer whom the Provincial Government may appoint to discharge any of the functions of a Revenue-officer under this Act; and

(*5*) "tenure" includes a *Patni* tenure.

Power to order preparation of record of lands in common estates, tenures and holdings.

3. The Provincial Government may, by notification in the *Official Gazette*, make an order directing that a record be prepared in such manner and containing such particulars as may be prescribed of all lands in West Bengal forming parts of the common estates, tenures or holdings.

Preparation of record.

4. When an order has been made for the preparation of a record under section 3, the Revenue-officer shall prepare such record accordingly containing, in addition to the particulars referred to in section 3, the amounts of land-revenues or rents, as the case may be, and of cesses payable in respect of the portions included in West Bengal of the common estates, tenures or holdings, to be determined by the Revenue-officer in such manner and in accordance with such principles as may be prescribed.

Preliminary publication of record.

5. When a record has been prepared under section 4, the Revenue-officer shall cause a draft of it to be published in such manner and for such period as may be prescribed and shall receive, during the period of publication of the record, any objections made in regard to any entry therein or omission therefrom relating to the apportionment of land-revenues, rents or cesses.

Final disposal of objections, and confirmation and final publication of record.

6. (*1*) After the expiry of the period of publication of the record under section 5, the Revenue-officer shall submit the record to the Revenue authority prescribed with a summary of the objections, if any, which he has received and his report thereon.

(*2*) Such authority shall finally dispose of the objections submitted to it under sub-section (*1*) according to such rules as the Provincial Government may make and may confirm the record with or without amendment:

Provided that no entry shall be amended or omission supplied unless notice has been given to the parties concerned for such period and in such manner as may be prescribed to appear and be heard in the matter.

(*3*) After confirmation by such authority the Revenue-officer shall cause the record to be finally published in the manner prescribed and such publication shall be conclusive evidence that the record has been duly prepared under this Act.

Appeal and saving.

7. (*1*) Any person who is aggrieved by any entry in, or omission from, the record finally published under section 6 in so far as such record relates to the apportionment and fixation of rents or cesses in respect of tenures or holdings, may appeal to the superior Revenue authority prescribed in such manner and within such period as may be prescribed.

The West Bengal Land-revenue, Rent and Cess (Apportionment) Bill, 1948.

(*Clauses 8—10.*)

(2) Notwithstanding anything contained in any other law for the time being in force, no Court shall have any jurisdiction in respect of any issue arising out of the proceedings under this Act for the apportionment and fixation of land-revenues, rents or cesses or shall annul or alter any decision of a Revenue-officer or a Revenue authority under this Act.

Correction of record.

8. The Revenue-officer may, at any time, either of his own motion or on application, and after giving notice to the parties concerned for such period and in such manner as may be prescribed to appear and be heard in the matter, correct any clerical or arithmetical mistake in the record finally published under section 6 or any error arising therein from any accidental slip or omission and shall make such alterations therein as may be necessary to give effect to any decision on appeal under sub-section (*1*) of section 7.

Commencement and effect of the record.

9. On the final publication of the record under section 6,—

(*a*) the apportionment and fixation, thereunder, of land-revenues or rents, as the case may be, and of cesses in respect of the portions situated in West Bengal of the common estates, tenures or holdings shall, notwithstanding anything containd in any other law for the time being in force or in any contract, be deemed to have come into force and the common estates, tenures or holdings, as the case may be, shall be deemed to have been partitioned accordingly, on and from the date on which the award came into force, and

(*b*) all laws for the time being in force relating to the creation or settlement of estates, tenures or holdings or to the recovery of land-revenue, rent or cesses in respect thereof shall be deemed to have been applicable *mutatis mutandis* to such partitioned estates, tenures or holdings on and from the said date.

Power to make rules.

10. (*1*) The Provincial Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of preparing a record and the particulars to be contained therein referred to in section 3;

(*b*) the manner of, and the principles for, determining the amounts of land-revenues, rents and cesses referred to in section 4;

(*c*) the manner and period of publication of a draft record referred to in section 5;

(*d*) the Revenue authority referred to in sub-section (*1*) of section 6, and the disposal of objections under sub-section (*2*) and the manner of final publication of a record under sub-section (*3*) of that section;

(*e*) the period or, and the manner of, giving notice referred to in the proviso to sub-section (*2*) of section 6 and in section 8; and

(*f*) the superior Revenue authority referred to in sub-section (*1*) of section 7, the manner of presentation of appeals to such authority and the period within which such appeals shall be presented under the said sub-section.

STATEMENT OF OBJECTS AND REASONS.

Certain estates, tenures and holdings in the Province of Bengal as it existed before the date on which the award of the Boundary Commission came into force are comprised of lands situated, as a result of the partition of the said Province under the said award, partly in the Province of West Bengal in the Dominion of India and partly in the Province of East Bengal in the Dominion of Pakistan. It has, therefore, become necessary to apportion and fix the land revenues or rents, as the case may be, and the cesses payable in respect of the lands appertaining to these common estates, tenures or holdings situated in West Bengal.

The Bill has been framed with this object in view.

BIMAL CHANDRA SINHA,
Member-in-Charge.

CALCUTTA;
The 9th September, 1948.

By order of the Governor,
B. K GUHA,
Secy. to the Govt. of West Bengal

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PART I—**Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.**

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

No. 11254D.C.S.—10th September 1948.—In exercise of the powers conferred by sub-section (*1*) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clause (*d*) of sub-section (2) of that section and with notification No. 73/1-T.A./46, dated the 28th December 1946, of the Government of India in the Department of Industries and Supplies, the Governor is pleased to direct that the following amendments shall be made in the West Bengal Cotton Cloth and Yarn Movements Control Order,

1947, published under notification No 2172- D.C.S., dated the 19th December 1947, in the *Calcutta Gazette, Extraordinary* of the 22nd December 1947, Part I, pages 407 and 408, as subsequently amended, namely:—

Amendments.

(*a*) *For* items 1 and 2 in columns 1 and 2 of the Schedule to the said Order, *substitute* the following:—

Column 1.		Column 2
Calcutta and the Municipality of Howrah including Shalimar (One area)	...	1. Director

(*b*) *Renumber* item 3 in column 1 as item 2 and item 3 in column 2 as item 2.

By order of the Governor

R. S. KRISHNASWAMY,
Secy. to the Govt. of West Bengal

Printed and published by the Superintendent Govt Ptg, West Beng
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WEST BENGAL LEGISLATIVE
The Calcutta Gazette
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MONDAY, SEPTEMBER 13, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

NOTIFICATION.

No. L.S.-G. 1M-129/48.—13th September 1948. The following draft of a notification which in exercise of the power conferred by section 19 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), the Governor proposes to issue, is published for the information of persons likely to be affected thereby:—

"Notification.

In exercise of the power conferred by section 19 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), the Governor is pleased hereby to cancel the rule published under notification No. 44T.M., dated the 29th May 1934, reserving, for the Santipur Municipality in the district of

Nadia, out of fifteen seats to which commissioners are to be elected under section 16 of the said Act, five seats for the Muhammadan community and declaring the said community to be a minority community for the purpose of the election."

2. The draft will be taken into consideration on the 18th September 1948, and any objection or suggestion with respect thereto which may be received by the undersigned through the District Magistrate before that date will be duly considered.

By order of the Governor
S. K. GUPTA.
Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Ptg., West Bengal Govt. Press, Alipore, on the 13th September

WEST BENGAL LEGISLATIVE
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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

NOTIFICATION.

No. L.S.-G.1M/135/48.—14th September 1948.—The following draft of a notification which, in exercise of the power conferred by section 19 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), the Governor proposes to issue, is published for the information of persons likely to be affected thereby :—

"Notification

In exercise of the power conferred by section 19 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), the Governor is pleased hereby to cancel the rule published under notification No. 6120M., dated the 10th November 1933, governing, in the Joynagar-Majilpur Municipality

in the district of the 24-Parganas, out of nine seats to which Commissioners are to be elected under section 16 of the said Act one seat for the Muhammadan Community and declaring the said community to be a minority community for the purpose of the election".

2. The draft will be taken into consideration on the 23rd September 1948, and any objection or suggestion with respect thereto which may be received by the undersigned through the District Magistrate before that date will be duly considered.

By order of the Governor,

S. K. GUPTA,

Secy. to the Govt. of West Bengal.

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WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT
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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1542L.—15th September, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL SECURITY (AMENDMENT) BILL, 1948.

A

BILL

to amend the West Bengal Security Act, 1948.

WHEREAS it is expedient and necessary to amend the West Bengal Security Act, 1948, for the purpose of removing certain doubts which have arisen as to the interpretation of certain sections thereof and for certain other purposes and in the manner hereinafter appearing; West Ben. Act. III of 1948.

It is hereby enacted as follows: —

Short title and commencement.

1. (*1*) This Act may be called the West Bengal Security (Amendment) Act, 1948.

(*2*) It shall come into force on the date on which the West Bengal Security (Amendment) Ordinance, 1948, ceases to operate but the provisions of sections 6, 7 and 8 shall be deemed to have taken effect on and from the date of commencement of the West Bengal Security Act, 1948 (hereinafter referred to as the said Act) as if on that date this Act had been in force. West Ben. Ord. VIII of 1948.

Amendment of section 2 of West Bengal Act III of 1948.

2. In section 2 of the said Act,—

(*1*) for clause (*1*), the following clause shall be substituted, namely:—

"(*1*) 'essential commodity' means food, water, fuel, light or power and includes such other thing as may be declared by the Provincial Government by notification to be essential for the life of the community;";

(*2*) to clause (*6*), the following words shall be added, namely:—

"and any person engaged in any employment or class of employment which the Provincial Government may, from time to time, declare to be employment or class of employment essential to the life of the community;";

The West Bengal Security (Amendment) Bill, 1948.

(*Clause 3.*)

(3) after clause (5), the following clauses shall be inserted, namely:--

"(*5a*) 'protected place' means a place declared under section 5A to be a protected place; and

(*5b*) 'protected area' means an area declared under section 5B to be a protected area;";

(*b*) in clause (7),--

(*a*) for sub-clause (*c*), the following sub-clause shall be substituted, namely:—

"(*c*) to impede, delay or restrict—

(*i*) any work, or

(*ii*) any means of transport or locomotion, necessary for the production, supply or distribution of any essential commodity except in furtherance of an industrial dispute as defined in the Industrial Disputes Act, 1947;"; and XIV of 1947.

(*b*) the explanation shall be renumbered as paragraph (*i*) thereof and after the said paragraph, as so renumbered, the following paragraph shall be added, namely:—

"(*ii*) An illegal strike or an illegal lock out, as defined in section 24 of the Industrial Disputes Act, 1947, shall not be deemed to be an industrial dispute for the purposes of sub-clause (*c*)"

Insertion of new Chapter IA.

3. After Chapter I of the said Act, the following Chapter shall be inserted, namely:—

"CHAPTER IA

Access to certain places and areas.

Protected places.

5A. (*1*) If as respects any place or class of places the Provincial Government considers it necessary or expedient that special precautions should be taken to prevent the entry of unauthorised persons, the Provincial Government may by order declare that place, or, as the case may be, every place of that class to be a protected place; and thereupon, for so long as the order is in force, such place or every place of such class, as the case may be, shall be a protected place for the purposes of this Act

(*2*) No person shall, without the permission of the Provincial Government enter, or be on or in, or pass over, or loiter in the vicinity of, any protected place.

(*3*) Where in pursuance of sub-section (*2*) any person is granted permission to enter, or to be on or in, or to pass over, a protected place, that person shall, while acting under such permission comply with such orders for regulating his conduct as may be given by the Provincial Government.

(*4*) Any police officer, or any other person authorised in this behalf by the Provincial Government may search any person entering, or seeking to enter, or being on or in, or leaving, a protected place, and any vehicle, vessel or article brought in by such person and may, for the purpose of the search, detain such person, vehicle, vessel and article:

Provided that no woman shall be searched in pursuance of this sub-section except by a woman.

(*5*) If any person is in a protected place in contravention of this section, then without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any police officer or by any other person authorised in this behalf by the Provincial Government.

The West Bengal Security (Amendment) Bill, 1948.

(*Clause 3.*)

(*6*) If any person is in a protected place in contravention of any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Protected area.

5B. (*1*) If the Provincial Government considers it necessary or expedient to regulate the entry of persons into any area, the Provincial Government may, without prejudice to any other provisions of this Act, by order declare the area to be a protected area; and thereupon, for so long as the order is in force, such area shall be a protected area for the purposes of this Act.

(*2*) On and after such day as may be specified in, and subject to any exemptions for which provision may be made by, an order made under sub-section (*1*), no person who was not at the beginning of the said day resident in the area declared to be a protected area by the said order shall be therein except in accordance with the terms of a permit in writing granted to him by an authority or person specified in the said order.

(*3*) Any police officer, or any other person authorised in this behalf by the Provincial Government, may search any person entering or seeking to enter, or being on or in, or leaving, a protected area, and any vehicle, vessel or article brought in by such person, and may, for the purpose of the search, detain such person, vehicle, vessel and article:

Provided that no woman shall be searched in pursuance of this sub-section except by a woman.

(*4*) If any person is in a protected area in contravention of the provisions of this section, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by or under the direction of any police officer on duty in the protected area.

(*5*) If any person is in a protected area in contravention of any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Forcing or evading a guard.

5C. Any person who effects or attempts to effect entry into a protected place or protected area—

(*a*) by using, or threatening to use, criminal force to any person posted for the purpose of protecting, or preventing or controlling access to, such place or area, or

(*b*) after taking precautions to conceal his entry or attempted entry from any such person,

shall be punishable with imprisonment for a term which may extend to seven years.

Orders for certain places and areas.

5D. (*1*) Without prejudice to any other provisions of this Act, the Provincial Government, as respects—

(*a*) any place or area declared by it to be a protected place or protected area, or

(*b*) any other place or area in relation to which it appears to it to be necessary to take special precautions for preventing or suppressing subversive acts or for maintaining supplies and services essential to the life of the community,

may make orders for controlling or regulating the admission of persons to, and the conduct of persons in, and in the vicinity of, such place or area.

(*2*) Without prejudice to the generality of the foregoing provisions, orders made under sub-section (*1*) in relation to any place or area may make provision—

(*a*) for restricting the admission of persons to such place or area and for removing therefrom any person who is therein in contravention of the orders or who has been convicted of any contravention of the provisions of this Act;

The West Bengal Security (Amendment) Bill, 1948.

(Clauses 4—6.)

(*b*) for requiring the presence of any person or class of persons in such place or area to be notified to a prescribed authority and for requiring any person who has been convicted of any such offence as is mentioned in clause (*a*) of this sub-section to report his movements while in such place or area and to observe any other condition imposed upon him by a prescribed authority;

(*c*) for requiring any person or class of persons in such place or area to carry such documentary evidence of identity, as may be prescribed; and

(*d*) for prohibiting any person or class of persons from being in possession or control of any prescribed article.

(*3*) An order made under this section in respect of a protected place or protected area may exempt such place or area from all or any of the provisions of this Act which are expressed to apply to or in relation to a protected place or protected area, as the case may be, or may direct that all or any of the said provisions shall apply, subject to such modifications as may be specified in the order.

(*4*) An order made under this section in respect of a place or area which is not a protected place or protected area may direct that all or any of the provisions of this Act which are expressed to apply to or in relation to a protected place or protected area, as the case may be, shall apply to or in relation to the place or area in respect of which the order is made either without modification or subject to such modification as may be specified in the order.

(*5*) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both."

Amendment of section 15.

4. In sub-section (*1*) of section 15 of the said Act, after the words "communal peace" the words "or to endanger the safety or stability of the Province" shall be added.

Insertion of new section 15A.

5. After section 15 of the said Act the following section shall be inserted, namely:—

"15A Control of movements of commodities, articles or things (*1*) If, in the opinion of the Provincial Government, it is necessary or expedient so to do for preventing or suppressing subversive acts or for maintaining supplies and services essential to the life of the community, it may, by general or special order, prohibit or restrict the movement of any commodity, article or thing (including any vessel, vehicle, aircraft or animal) either generally or between any particular places or on any particular route.

(*2*) If any person contravenes any order made under sub-section (*1*), he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both and the Court trying the offence shall order that the commodity, article or thing (including any vessel, vehicle, aircraft or animal) in respect of which the offence has been committed shall be forfeited to His Majesty.".

Amendment of section 16.

6. In section 16 of the said Act,—

(*1*) in sub-section (*1*), the words "on reasonable grounds" shall be omitted;

(*2*) in clause (*b*) of sub-section (*5*), for the words "punishable with imprisonment for a term which may extend to one year, or with fine, or with both" the words, figure and brackets "deemed to have contravened the order within the meaning of sub-section (*6*)" shall be substituted; and

The West Bengal Security (Amendment) Bill, 1948.

(*Clauses 7—9.*)

(*3*) in sub-section (*6*), the words, figure, letter and brackets "other than an order of the nature referred to in clause (*b*) of sub-section (*5*)" shall be omitted.

Substitution of new section for section 17.

7. For section 17 of the said Act, the following section shall be substituted, namely :—

"17. Save as hereinafter in this section otherwise provided, an order made under sub-section (*1*) of section 16 shall be in force for such period not exceeding nine months, as may be specified in the order or for the period subsequent to the date of issue of such order during which this Act continues in operation, whichever is less, unless earlier cancelled by the authority making the order:

Duration of orders made under section 16 (*1*).

Provided that—

(*a*) the Provincial Government may, if and so often as it thinks fit,

(*i*) in the case of an order under clause (*a*) of the said sub-section, place before a Judge of the High Court in Calcutta the grounds on which the order is made, the representations, if any, made under section 18 by the person affected thereby, and such further materials as the Provincial Government may think fit, subject to the following condition, that is to say,

the person affected by the order shall not be entitled to be defended or represented by any lawyer or other person before the Judge, and, in accordance with the decision of the Judge thereon, the Provincial Government shall issue an order for the release of the person or for an extension of the period of his detention by such period or periods as may be determined by the Judge, and

(*ii*) in any other case, issue, after considering all the circumstances of the case, a fresh order to the same effect and subject to the same limitations as to duration as in the first instance;

(*b*) notwithstanding anything hereinbefore contained, it shall be lawful for the Provincial Government to release at any time, if it so thinks fit, any person in respect of whom an order under sub-clause (*i*) of clause (*a*) has been made.".

Amendment of section 18.

8. In section 18 of the said Act, for the words "fifteen days" the words "thirty days" shall be substituted.

Insertion of new section 18A.

9. After section 18 of the said Act, the following section shall be inserted, namely :—

"18A. Whoever knowing or having reason to believe that an order directing any person to be detained has been made under clause (*a*) of sub-section (*1*) of section 16, harbours or conceals such person shall be punished with imprisonment for a term which may extend to two years and shall also be liable to a fine which may extend to one thousand rupees.

Punishment for harbouring or concealing persons ordered to be detained.

Explanation.—In this section, the word 'harbour' includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as hereinbefore enumerated or not, to evade apprehension.".

The West Bengal Security (Amendment) Bill, 1948.

(Clauses 10—14.)

Amendment of section 26.

10. In sub-section (*1*) of section 26 of the said Act, for the words "prescribed by" the words "provided in" shall be substituted.

Amendment of section 28.

11. In section 28 of the said Act,—

(*1*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) Any police officer authorised in this behalf by general or special order of a Deputy Commissioner of Police in Calcutta and the Superintendent of Police elsewhere may enter and search any place, vessel, vehicle, aircraft or animal and, for that purpose, stop any vessel, vehicle, aircraft or animal and may seize any commodity, article or thing (including any vessel, vehicle, aircraft or animal) found on search under this sub-section which, he has reason to believe, has been, is being or is about to be, used in contravening any order made under sub-section (*1*) of section 15A or for doing any other subversive act.

Explanation.—In this sub-section 'Calcutta' has the same meaning as in section 13;"; and

(*2*) for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) Anything seized under sub-section (*1*) shall be conveyed, and any commodity, article or thing (including any vessel, vehicle, aircraft or animal) seized under sub-section (*1A*) shall be reported, without delay before a Magistrate who may give such directions as to the temporary custody thereof as he may think fit, so, however, that where no prosecution in respect thereof is instituted within a period in his opinion reasonable, the Magistrate may, subject to the provisions of any other law for the time being in force, give such orders as to the final disposal thereof as he deems expedient.".

Amendment of section 30.

12. In section 30 of the said Act,—

(*1*) in the proviso to sub-section (*2*), for the words "fifteen days" the words "thirty days" shall be substituted; and

(*2*) in sub-section (*3*), after the words "in addition to making such order as may appear" the words "to the Provincial Government" shall be inserted.

Validity of orders made under sub-section (*1*) of section 16.

13. For the avoidance of doubt it is hereby declared that no order heretofore made under sub-section (*1*) of section 16 of the said Act shall be deemed to be invalid or shall be called in question on the ground that at the time of making the order the authority making it had no reasonable grounds.

Continuance of action taken under West Bengal Ordinance VIII of 1948.

14. Any order made or any penalty incurred or anything done or any action taken or any proceedings commenced in exercise of any power conferred by or under the provisions of the said Act, as amended by the West Bengal Security (Amendment) Ordinance, 1948, shall, on the said Ordinance ceasing to operate, be deemed to have been made, incurred, done, taken or commenced in exercise of the powers conferred by or under the said Act, as amended by this Act, as if this Act had been in force on the date on which such order was made, penalty was incurred, thing was done, action was taken or proceedings were commenced.

West Ben. Ord. VIII of 1948.

STATEMENT OF OBJECTS AND REASONS.

The West Bengal Security (Amendment) Ordinance, 1948 (West Bengal Ordinance VIII of 1948), was promulgated by the Governor under sub-section (*1*) of section 88 of the Government of India Act, 1935, on the 3rd July, 1948, when the Provincial Legislature was not in session, as it was urgently felt necessary to remove certain doubts which had arisen as to the interpretation of certain provisions of the West Bengal Security Act, 1948 (West Bengal Act III of 1948), and also to make certain other amendments in the said West Bengal Act. Under sub-section (2) of section 88 of the Government of India Act, 1935, West Bengal Ordinance VIII of 1948 will cease to operate on the expiration of six weeks from the re-assembly of the Provincial Legislature. It is, therefore, necessary to incorporate the provisions of the said Ordinance in an Act of the Legislature. The present Bill has been prepared mainly for that purpose.

In the Bill it has also been proposed to make certain further amendments in West Bengal Act III of 1948, so as—

(*1*) to make the interference with certain essential service to be specified by the Provincial Government a subversive act as defined in the present Act,

(*2*) to provide that strikes or lock-outs which are illegal and punishable under the Industrial Disputes Act, 1947, itself, may not be treated as industrial disputes excusing the commission of offences punishable under the present Act;

(*3*) to extend the existing power of controlling processions also to cases affecting the safety or stability of the Province;

(*4*) to provide for the regulation of entry into certain places and areas to be declared by the Provincial Government as protected places and protected areas respectively;

(*5*) to empower the Provincial Government, if necessary, to prohibit or restrict the movements of goods under certain circumstances;

(*6*) to make the offences under sub-section (*5*) of section 16 of the Act cognizable,

(*7*) to enhance from 3 months to 9 months the period during which ordinarily an order under section 16(*1*) shall remain in force;

(*8*) to make it beyond all possible doubts that an order of detention under sub-section (*1*) of section 16 may be reviewed by a Judge of the High Court more than once and while extending the original duration of such orders to limit the period of subsequent extensions;

(*9*) to provide for a general power for the police, when duly authorised, to search any place without warrant;

(*10*) to extend the period of detention in custody under section 30 of the Act from fifteen days to thirty days in order to facilitate the collection of materials and preparation of necessary papers for consideration of the Provincial Government; and

(*11*) to make certain other minor alterations from the point of view of drafting.

KIRAN SANKAR ROY,
Member-in-Charge.

CALCUTTA:
The 15th September, 1948.

By order of the Governor,
B. K GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 15th September 1948.

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

OMMERCE, LABOUR AND INDUSTRIES DEPARTMENT.

Labour.

ORDER.

No. 3363Lab.—15th September 1948.— Whereas der the Government of West Bengal, Comce, Labour and Industries Department, order 1623Lab., dated the 21st May 1948, as modiby order No. 2203Lab., dated the 2nd July s the industrial dispute between ss H. Dutta & Sons, Ltd., and their ciated firms mentioned in the list attached order, dated the 21st May 1948, aforesaid, all 5 Netaji Subhas Road, Calcutta, and their ployees in the head office at 15, Netaji Subhas d, Calcutta, represented by the Secretary, Dutta & Sons, Ltd., Employees' Association, Netaji Subhas Road, Calcutta, was referred adjudication to Sri S. K. Haldar, I.C.S.;

And whereas the said Sri S. K. Haldar, I.C.S., given the award as shown in the annexure reto;

ow, therefore, in exercise of the powers conred by sub-section (2) of section 15 read with section (3) of section 19 of the Industrial utes Act, 1947 (XIV of 1947), the Governor leased to make the following order and to er with reference to section 17 of the said that the award be published in the *Calcutta ette*

he award made by the said Sri S. K. Haldar, S. shall bind the Company and their workaforesaid as specified therein and shall ain in force for a period of one year, with n from the date of publication of this award.

ANNEXURE.

e matter of an industrial dispute between lessrs. H. Dutta & Sons, Ltd., and their ssociated firms and their employees.

PRESENT:

S. K. Haldar, I.C.S.

the Union—Mr. B. K. Chaudhury, Barrister-at-Law, instructed by Sri H. G. Basak, Advocate.

the Company—Mr. S. C. Sen, Advocate, instructed by Mr. N. Das Gupta, Pleader.

AWARD.

his industrial dispute between Messrs. H. ta & Sons, Ltd., and their employees as repreed by H. Dutta & Sons, Ltd., Employees' iation, has been referred by Government order No. 2203Lab., dated 2nd July 1948, to me for adjudication under the Industrial Disputes Act, 1947.

The Company, besides carrying on business as such, are Managing Agents of the following Companies:—

(1) Mahaluxmi Cotton Mills, Ltd.
(2) Dehri Oil Refinery, Ltd.
(3) India Oil Plastics, Ltd.
(4) Dooars Assam Union Tea Co., Ltd
(5) National Drug Co., Ltd.

The total number of employees at the Head Office in all the aforementioned concerns is about 57. Due to abnormal rise in prices and increased cost of living, the Employees' Association held a meeting on or about the 26th of July 1947, and submitted a charter of demands to the employer Company. Thereafter the Association on 6th December 1947 wrote to the Labour Commissioner, Government of West Bengal, that all attempts for amicable settlement had failed. The employers being persuaded by the Labour Commissioner intimated their decision about certain interim increments on 27th February 1948, but as the Association rejected the proposal, the dispute was referred to this Tribunal by the Government of West Bengal.

The following issues give details of the dispute as mentioned in the written statement filed by the Union:—

(1) Recognition of the Union.
(2) Revision of pay and scales of pay and dearness allowance.
(3) Security of service and promotion.
(4) Whether the award will have a retrospective effect.
(5) Gratuity, annual bonus, Provident Fund
(6) Working hours.
(7) Tiffin room furnished with some chairs, benches, drinking water and utensils.
(8) Imposition of fines.
(9) Leave, revision of Leave Rules.
(10) Relation Committee (Works Committee).

I impressed upon both parties to settle the issues between themselves and although each party expressed its inability to do so, I congratulate them on their being able to settle the majority of the points at issue amicably. The question of revision of pay and scales of pay and dearness allowance and the question of recognition of the Union, and finally the question as to

whether the award will have retrospective effect could not be decided amicably between the parties, but all the other issues have been settled amicably between them. I, therefore, proceed to record next the amicable arrangements that have been arrived at between the parties on these respective issues and then to give my award on the remaining issues, where the parties failed to come to a compromise.

ISSUES WHICH HAVE BEEN AMICABLY SETTLED.

Issue No. 3.—Security of service and promotion.

Although the employees in their memorandum, Annexure A, appended to their written statement, at paragraph 5, claimed that the probationary period shall not exceed three months and that an employee confirmed after the expiry of this period shall not be dismissed or discharged except for fraud, yet it was agreed on both sides in my presence that the probationary period shall be three months and that if the management considers the probationer to be fit, the latter must have to be confirmed immediately after the expiry of the probationary period.

It was also agreed on both sides, in my presence that in serious cases of misconduct justifying dismissal of a confirmed employee, there should be a written charge sheet and that the representatives of the Employees' Union should be permitted to appear for the defence, that no order of dismissal should be made unless the worker concerned is informed in writing of the charge against him and given an opportunity to explain the circumstances alleged against him and that an order of suspension may take effect immediately.

As regards notice of termination of service, it was agreed on both sides in my presence that during the probationary period of three months no notice would be necessary to terminate the services of any probationer, but that after confirmation, one month's notice would be necessary for the termination of service.

As regards the question of promotion, it was agreed on both sides in my presence that the discretion to promote any particular employee rested entirely with the management. My award on issue No. 3 will be in accordance with the agreed compromise between both parties.

Issue No. 5.—Gratuity, annual bonus and Provident Fund.

As regards annual bonus, both parties agreed in my presence that two months pay during Puja time should be the annual bonus for the year 1948 and that in future the annual bonus should be in accordance with the financial condition of the Company.

As regards Provident Fund, it was agreed on both sides in my presence that 6¼ per cent of the basic pay as fixed by this Tribunal should be the employee's contribution to his Provident Fund and 6¼ per cent of the same basic pay should be the employer's contribution. The Provident Fund, it was agreed on both sides, should be managed in accordance with the Government Provident Fund Rules. It was also agreed that there should be no gratuity.

My award on issue No. 5 is in accordance with the agreed compromise between the parties.

Issue No. 6.—Working hours.

It was agreed on both sides in my presence that the working hours should normally be from 10 a.m. to 5 p.m. with half an hour's recess at an exact point of time to be decided by the employer and that the working hours on Saturdays shall be from 10 a.m. to 2-30 p.m. as at present.

My award on this issue is in accordance with the agreed compromise between the parties.

Issue No. 7.—Tiffin room to be furnished wi chairs, benches, drinking water, etc.

This issue on the consent of both parties w not pressed at all.

Issue No. 8.—Imposition of fines.

It was agreed on both sides in my presence th there should be no monetary fines in any cas My award is in accordance with this agreed com promise.

Issue No. 9.—Leave, revision of Leave Rules.

It was agreed on both sides in my presence th there should be 10 days' casual leave for eac employee every year with full pay, that there should be 15 days' privilege leave with full p and 15 days' more with half pay. It was furth agreed on both sides in my presence that the 1 days' privilege leave with full pay will accumulat for 2 years, that is to say, 30 days with full pa will accumulate. Finally, with regard to sickne and other causes of absence, it was agreed on both sides in my presence, that on account of sickness quarantine, etc., leave without pay would b granted for any period which the employer (pany considers reasonable.

Issue No. 10.—Relation Committee.

After some discussion this issue was not pre by the Association, and both parties agreed to it up.

There has been agreement on as many as 7 of 10 issues. It is regrettable that the work and the employers could not come to a mut agreement on the remaining three issues, the m vital of which is regarding the revision of and scales of pay and dearness allowance. therefore, proceed to give my award on these th remaining issues one by one.

Issue No. 2.—Revision of pay and scales of and dearness allowance.

From the materials placed before me, I find there are about 57 employees under the Compa drawing pays ranging from Rs. 1,000 per mon Rs. 38 per month. On an analysis of the stand salary and the present salary of most of th employees, the conclusion is irresistible that th increment of pay and other allowances ha without any system or any recognised prin Thus Sri N. C. Dey, who was appointed a year 1932 on a starting salary of Rs. 50, is no sent getting the salary of Rs. 1,000, while S Giri, a non-matric, whose starting salary was R in 1911, is now getting only Rs. 38. It further revealed that the Company has no sc tion of salaries, nor has it any classification different kinds of employees into different gories; and finally I am surprised to find although some individual workman has been ing some special allowances, there is no such as a formal dearness allowance. My task is fore, somewhat onerous. I have to fix different categories of workmen, fix their scale pay and dearness allowance.

The Company employs Bearers, Farash Durwans, Drivers, Typists, Stenographers, Sectional Heads and five other officers of superior rank, viz., Sjs. N. C. Dey, R. C. P. K. Das, H. N. Ray and A. K. Dey, each ing a salary above Rs. 350. I have to fix of these employees in different categories the scale of pay for each category. Now Company although giving some special allow to some of its employees, has not given any specifically by way of dearness allowance. It argued on behalf of the workmen that the pay emoluments which each individual empl receiving at present should be constru his basic pay and that dearness ance should be calculated at a reasonable percentage of this basic pay objection to this is as follows: The present

nd emoluments drawn by an employee cannot be egarded purely as basic pay, altogether devoid t dearness allowance. From the materials placed efore me, I can see that the present salaries of most of the employees have become twice, thrice r even four times of the starting salary, all in he course of the last 10-12 years. I cannot conceive of any scale of pay by which a man's basic salary can increase to fourteen or even twenty imes the amount in the course of 10/12 years. t is, therefore, idle to deny that the employer company must have sanctioned these increased alaries and emoluments in order to enable its workmen to tide over the present difficulties of esting prices, or in other words, in my view it is a easonable proposition that the present salaries nd emoluments drawn by each of the employees onsist in part of the basic pay and in part the earness allowance, though it is not specifically so alled. The question that now arises is how to plit up the present salary and emoluments so as to evolve out of them the basic pay and the dearness allowance. No cut-and-dried method exists and whatever may be said recommending any particular method, something against it can always possibly be said. But I think a workable solution will be to divide the present salary and emoluments drawn by any particular employee into four equal parts and regard three-fourths of e salary and emoluments as his basic pay and e remaining one-fourth as his dearness allowance. The dearness allowance is thus one-third the basic pay. This method I am going to llow in fixing the basic salaries and dearness llowances of different categories of workmen.

After consulting both sides and after a careful onsideration of the position of all the workmen, lay down as many as 7 categories of workmen nd also lay down the scales of pay of workmen nder each of these categories:—

1. *Subordinate staff including Bearers, Jamadars and Durwans.*—(*a*) *Durwans and Jamadars and Mistries.*—Scale of pay Rs. 30—1—42 plus one-third of the basic pay as dearness allowance.

(*b*) *Bearers.*—Scale of pay Rs. 30—½—36 plus one-third of the basic pay as dearness allowance.

2. *Drivers.*—Scale of pay Rs. 60—1—75 plus third of the basic pay as dearness allowance.

3. *Typists.*—Scale of pay Rs. 45—1½—75 plus third of the basic pay as dearness allowance.

4. *Stenographers.*—Scale of pay Rs. 70—2—140 plus one-third of the basic pay as dearness allowance.

5. *Clerks, Clerical Assistants and Telephone Operators.*—In this category, I propose to make the following subdivisions as follows:

(*a*) basic pay Rs. 45—1½—75 plus one-third of the basic pay as dearness allowance;

(*b*) basic pay Rs. 75—2—105 plus one-third of the basic pay as dearness allowance; and

(*c*) basic pay Rs. 105—5—150 plus one-third of the basic pay as dearness allowance.

6. *Sectional Heads.*—Basic pay Rs. 150—10—200 plus one-third of the basic pay as dearness allowance.

This will cover the cases of all the workmen excepting those five superior officers mentioned above drawing from Rs. 350 upwards. These five officers will constitute a special grade, for which I do not think any basic pay or dearness allowance ought to be fixed. The matter is best left entirely to negotiation.

Now the question is how to fit in the existing workmen in these different categories and what should be their scales of pay. I would lay down as the first principle that in no case the prescribed total emoluments, i.e., basic pay and dearness allowance, should be lower than the actual present total emoluments of each particular workman.

The next important principle that I would lay down is that the basic pay a particular workman is construed to be drawing at present should be three-fourths of his present pay and emoluments and the remaining one-fourth should be regarded as the present dearness allowance drawn by him.

Each workman should find a place in one of the 7 categories as enumerated above according to his category. In calculating what basic pay and dearness allowance a particular workman should draw the moment the award comes into force, the following simple rule is laid down:—

If the basic pay, i.e., three-fourths of the total present pay and emolument is below the minimum in the scale of pay as fixed above, then he will get the minimum basic pay of the scale; but if his basic pay, calculated on the basis of three-fourths of his present pay and emolument, is equal to the minimum or above it, in the scale of pay as laid down above, then he will get one increment straight away and the corresponding dearness allowance. I proceed to make my meaning clear by examples:—

A, a Durwan who comes under category (1)(*a*) because he is a Durwan, draws pay and allowance at Rs. 36 per month. This amount should be construed to be composed of Rs. 27 as basic pay and Rs. 9 as dearness allowance (in the proportion of three-fourths and one-fourth). A look at the first category of workmen, viz., "Subordinate staff including Bearers, Jamadars and Durwans" will show that the salary of class 1(*a*) of workmen, viz., Durwans, Jamadars and Mistries, is Rs. 30—1—42 plus one-third of the basic pay as dearness allowance. The minimum basic pay is Rs. 30. *A* will, therefore, at once get Rs. 30 as basic pay plus Rs. 10 as dearness allowance.

B, a clerk who comes in category (5) because he is a clerk, is drawing Rs. 60 per month as total pay and emoluments. Three-fourths of this, i.e., Rs. 45, represents his basic pay and the balance of Rs. 15 as dearness allowance. He, therefore, comes under the 5th category "Clerks, Clerical Assistants, Telephone Operators", sub-category (*a*). The present pay that he will get according to my award will be Rs. 46-8, as his basic pay (the next increment) and one-third of that amount, i.e., Rs. 15-8, as his dearness allowance. His total pay including dearness allowance will be Rs. 62.

I hope these examples will make the matter clear and there will be no scope for any ambiguity.

Issue No. 4.—Whether the award will have a retrospective effect.

The dispute arose on 26th July 1947 when the Association held a special general meeting of all its members and submitted a memorandum of demands. If retrospective effect has got to be given, that means that the award will have to take effect from July 1947, and as is well known, the maximum period for which an award can remain in existence being one year, the award will have spent its force by 26th July 1948, that is to say, even before it was actually written and

gned. This is absurd. I think the best course ould be that the award should take effect, sub-ct to the direction of the Government, from the ite of the first Government notification, i.e., 21st ay 1948, and shall remain in force for a period of ne year or less, as the Government decides.

Issue No. 1.—Recognition of the Union.

It was represented to me on behalf of the em-loyer Company that if the whole matter be nicably settled, the Company will have no objec-on to recognise the Union. But, unfortunately, lthough there has been agreement on 7 out of the) issues, yet there has been conflict with regard) 3 of the issues, the most fundamental being n the question of scales of pay. I would, how-ver, strongly recommend to the employer Com-any to recognise the Union. When there has een so much give and take between the parties, would be unbecoming of the employer Company not to recognise the Union. The question of this recognition will, of course, arise when the Labour Courts come into existence; but pending that I do not think there can be any harm on the part of the Company to recognise the Union and I think this graceful act will lead to better understanding and peace. My thanks are due both to the em-ployer Company and the workmen for the able assistance in solving the dispute.

S. K. HALDAR
Tribunal

The 17th August 1948.

By order of the Governor

D. S. P. MUKHERJEE
Jt. Secy. to the Govt. of West Bengal

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ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

ORDER.

No. 903Pr. -16th September 1948.—Whereas e "Alpamaat", an Urdu weekly newspaper, lited by Syed Sarwar Shah Gulani, B.A., and wife Begum Sarwar Shah Gulani of Karachi, ntained in its issue, dated the 24th July 1948, ntain which, in the opinion of the Provincial overnment, is likely to endanger communal armony and the safety and stability of the Pro-nce of West Bengal;

Now, therefore, in exercise of the power conferred clause (*d*) of sub-section (*1*) of section 8 of the

West Bengal Security Act, 1948 (West Bengal Act III of 1948), the Governor is pleased to prohibit the publication, sale or distribution of the said issue of the newspaper, of any extract thereof or of any translation thereof, including the publication, sale or distribution of any subsequent issue thereof in West Bengal.

By order of the Governor,

R. GUPTA,
Secy. to the Govt. of West Bengal

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

FINANCE DEPARTMENT.

Taxation.

NOTIFICATION.

No. 1462F.T.—9th September 1948.—In exercise of the power conferred by clause (*b*) of sub-section (2) of section 7 of the Bengal Excise Act, 1909 (Bengal Act V of 1909), and in supersession of all previous orders made in this behalf, the Governor is pleased to appoint for the period commencing from the date of publication of this notification in the *Calcutta Gazette* and ending on 31st day of March 1950, Licensing Boards in the following districts and areas of the Province to be constituted in the manner set forth below against each district or area, to exercise the powers and to perform the duties specified in paragraph 2 of this notification in accordance with the provisions of that paragraph within the districts or areas in which they are respectively appointed:—

District or area in which the Licensing Board is appointed.	Constitution of the Licensing Board.
Hooghly	*Official Members.* 1 The Additional Magistrate, President (*ex-officio*). 2 The Superintendent of Police (*ex-officio*). 3 The Subdivisional Officer, Sadar (*ex-officio*). 4 The Subdivisional Officer, Serampore (*ex-officio*). 5 The Subdivisional Officer, Arambagh (*ex-officio*). 6 The Superintendent of Excise, Secretary (*ex-officio*). *Non-official Members.* 7 Sri Tarak Nath Mukherji, nominated by the District Board. 8 Sri Amar Nath Mukherji, nominated by the District Board. 9 Sri Narendra Nath Sen, member, Satithan Union Board, nominated by the Subdivisional Union Board Association, Sadar. 10 Janab Abdul Wahed, President, Bataal Union Board, nominated by the District Board from amongst the Presidents of the Union Boards in the Arambagh subdivision. 11 Sri Jogendra Krishna Dass, member, Nalikul Union Board, nominated by the Subdivisional Union Board Association, Serampore. 12 Sri Bomkesh Majumdar, Chairman, Bansberia Municipality, nominated by the Municipalities of Hooghly, Chinsurah, Bansberia, Bhadreswar, Champdani and Arambagh 13 Sri Amulya Kumar Deb, Commissioner, Konnagar Municipality, nominated by the Municipalities of Rishra, Konnagar, Serampore, Baidyabati and Uttarpara. 14 Sri Radha Nath Das, M.L.A., nominated by Government.

District or area in which the Licensing Board is appointed.	Constitution of the Licensing Board.
	Official Members.
Howrah (excluding the Municipal areas of Howrah and Bally).	1 The Additional Magistrate, President (*ex-officio*).
	2 The Superintendent of Police (*ex-officio*).
	3 The Subdivisional Officer, Sadar (*ex-officio*).
	4 The Subdivisional Officer, Uluberia (*ex-officio*).
	5 The Superintendent of Excise, Secretary (*ex-officio*).
	Non-official Members.
	6 Sri Ashutosh Bhattacharyya, nominated by the District Board.
	7 Sri Ardhendu Bhusan Bhattacharyya, nominated by the District Board.
	8 Sri Charu Chandra Paul, nominated by the Sadar Subdivisional Union Board Association.
	9 Sri Arabinda Bayen, M.L.A., nominated by Government.
	10 Sri Tarit Kumar Chatterjee, President Chandrabhag Union Board, nominated by the Uluberia Subdivisional Union Board Association.
	Official Members.
Area within the Howrah Municipality.	1 The Commissioner of the Burdwan Division, President (*ex-officio*).
	2 The Collector of Howrah (*ex-officio*).
	3 The Additional District Magistrate, Howrah (*ex-officio*).
	4 The Superintendent of Police, Howrah (*ex-officio*).
	5 The Additional Superintendent of Police, Howrah (*ex-officio*).
	6 The Collector of Excise, Secretary (*ex-officio*).
	Non-official Members
	7 Sri Dwijobar Chongder, representative of the Howrah Municipality.
	8 Sri Gosto Behari Chatterji, representative of the Howrah Municipality.
	9 Mr. A. Donald, Manager of Howrah Jute Mill, representative Mill Manager from the Mills, within the Howrah Municipality.
	10 Sri Susil Kumar Banerjee, M.L.A., nominated by Government.
	Official Members.
Area within the Bally Municipality.	1 The Commissioner of the Burdwan Division, President (*ex-officio*).
	2 The Collector of Howrah (*ex-officio*).
	3 The Additional District Magistrate, Howrah (*ex-officio*).
	4 The Superintendent of Police (*ex-officio*).
	5 The Additional Superintendent of Police (*ex-officio*).
	6 The Collector of Excise, Calcutta, Secretary (*ex-officio*).
	Non-official Members
	7 Sri Ananda Gopal Mukherji, representative of the Bally Municipality.
	8 Sri Banku Behari Ghosh, representative of the Bally Municipality.
	9 Sri Susil Kumar Banerjee, M.L.A., nominated by Government.

District or area in which the Licensing Board is appointed.	Constitution of the Licensing Board.
24-Parganas (excluding Barrackpore subdivision).	*Official Members.* 1 The Additional Magistrate, President (*ex-officio*). 2 The Superintendent of Police (*ex-officio*). 3 The Subdivisional Officer, Sadar (*ex-officio*). 4 The Subdivisional Officer, Barasat (*ex-officio*). 5 The Subdivisional Officer, Diamond Harbour (*ex-officio*). 6 The Subdivisional Officer, Basirhat (*ex-officio*). 7 The Subdivisional Officer, Bongaon (*ex-officio*). 8 The Superintendent of Excise, 24-Parganas, Secretary (*ex-officio*). *Non-official Members* 9 Sri Anil Kumar Ghosh, Vice Chairman, Rajpur Municipality, nominated by the Municipalities jointly. 10 Sri Prafulla Nath Banerjee, nominated by the District Board. 11 Sri Purnendu Sekhar Basu, nominated by the District Board. 12 Sri Hridoy Bhusan Chakravarty, President, Bhojerhat Union Board, nominated by the District Board from amongst the Presidents of the Union Boards in the Sadar subdivision. 13 Sri Kalipada Chakravarty, President, Palla Union Board, nominated by the District Board from amongst the Presidents of the Union Boards in the Bongaon subdivision. 14 Janab Abdul Mazid Ahmed, President, Habra Union Board, nominated by the District Board from amongst the Presidents of the Union Boards in the Barasat subdivision. 15 Sri Netai Chandra Mondal, President, Bhowanipore Union Board, nominated by the District Board from amongst the Presidents of the Union Boards in the Basirhat subdivision. 16 Sri Ananda Prosad Sardar, President, Lakshmipore Union Board, nominated by the District Board from amongst the Presidents of the Union Boards in the Diamond Harbour subdivision 17 Janab A. F. M. Abdur Rahman, M.L.A., nominated by Government 18 Sri Biswanath Naskar, Advocate, nominated by Government.
Barrackpore subdivision.	*Official Members* 1 The Additional Magistrate, 24-Parganas President, (*ex-officio*) 2 The Subdivisional Officer, Barrackpore (*ex-officio*). 3 The Subdivisional Police Officer, Barrackpore (*ex-officio*). 4 The Superintendent of Excise, Secretary (*ex-officio*). *Non-official Members* 5 Sri Ashutosh Banerjee, Commissioner, Panihati Municipality, nominated jointly by the Municipalities. 6 Sri Bhudhar Chandra Bhattacharyya, Chairman, North Barrackpore Municipality, nominated jointly by the Municipalities 7 Mr J. Grant, Titagarh No. 1 Jute Factory, nominated by the Indian Jute Mills Association. 8 Mr. T. Grewar, Standard Jute Mills, nominated by the Indian Jute Mills Association. 9 Sri Pati Ram Roy, nominated by Government.

District or area in which the Licensing Board is appointed.	Constitution of the Licensing Board.
Nadia ...	*Official Members.* 1 The Collector, President (*ex-officio*). 2 The Superintendent of Police (*ex-officio* 3 The Subdivisional Officer, Sadar (*ex-off* 4 The Subdivisional Officer, Ranaghat (*ex-off* 5 The Superintendent of Excise, Secretary (*ex-officio*). *Non-official Members.* 6 Sri Tarakdas Banerji, nominated by the District Board. 7 Sri Kamal Kumar Bhattacharya, nominated by the District Board. 8 Sri Satkari Biswas, nominated by the District Board from amongst the Presidents of Union Boards in the Sadar subdivision 9 Sri Prafulla Kumar Bose, President, Bagula Union Board, Santipur, nominated by Government. 10 Sri Haripada Chatterjee, M.L.A., nominated by Government. 11 Srijukta Preeti Chattopadhaya, nominated by Government.

2 The powers and duties referred to in paragraph 1 of this notification shall be the following:—

(*a*) All the powers (except the discretionary power to select the persons to whom licences shall be granted and to grant licences) and all the duties conferred and imposed on the Collector by sections 30 to 34 of the Bengal Excise Act, 1909 (Bengal Act V of 1909).

These powers and duties shall be exercised and performed by the Licensing Boards to the exclusion of the Collector.

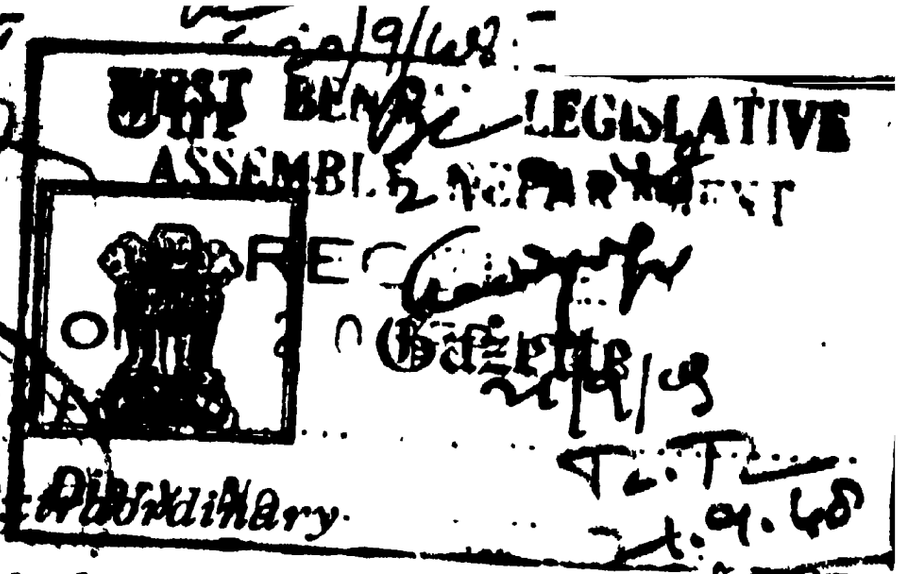
(*b*) The power conferred by clause (*a*) of section 66 of the said Act on the Collector to enter and inspect any place in which any excisable article is kept for sale by any person who has been granted a license for the purpose, under the said Act, at any time during which the place is open.

This power shall be exercised by any member of the Licensing Boards, concurrently with the Collector.

By order of the Governor,
B. DAS GUPTA, Secy.

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GOVERNMENT OF WEST BENGAL.

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

NOTIFICATIONS.

L S-G. 20/24/48(1).—17th September. In exercise of the power conferred by sub-section (2) of section 72 of the Calcutta Improvement Act, 1911 (Bengal Act V of 1911), the Governor is pleased to appoint Sri Anil Prokash Basu, Bar-at-Law, with effect from 21st September, 1948 to be the President of the Tribunal constituted under the said section, for the purpose of performing the functions of the Court in reference to the acquisition of land for the Board of Trustees for the Improvement of Calcutta under the Land Acquisition Act, 1891.

No. L.S.-G. 20/24/48(II).—17th September 1948.—In exercise of the power conferred by sub-section (3) of section 72 of the Calcutta Improvement Act, 1911 (Bengal Act V of 1911), the Governor is pleased to appoint Sri Radha Nath Das, M.A., B.L., M.L.A., with effect from 21st September 1948, to be an Assessor of the Tribunal constituted under the said section, for the purpose of performing the functions of the Court in reference to the acquisition of land for the Board of Trustees for the Improvement of Calcutta under the Land Acquisition Act, 1894.

By order of the Governor

S. K. GUPTA,

Secy. to the Govt. of West Bengal

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GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION.

No. 11388D.C.S.—14th September 1948.—In exercise of the powers conferred by paragraph 16 of the Bengal Rationing Order, 1943, the Governor is pleased to make the following amendments in the Darjeeling-Kalimpong-Kurseong Urban Area Rationing Regulations, 1946, namely:—

Amendments.

In Schedule "C" to the said Regulations, *for* the figures and words "1 seer and 2 *chataks* in the case of a person who holds a one-unit Ration Card and is not a hillman, 1 seer and 1½ *chataks* in the case of a person who holds a two-unit Ration Card and is not a heavy manual worker or a hillman, 1 seer and 5 *chataks* in the case of a person who is a hillman and not a heavy manual

worker, 1 seer and 8½ *chataks* in the case of a person who is a heavy manual worker and he is a hillman and 1 seer and 12 *chataks* in the case of a person who is a hillman and a heavy manual worker" *substitute* the figures and words "1 seer and 5 *chataks* in the case of a person who is a heavy manual worker and 1 seer and 12 *chataks* in the case of a person who is a heavy manual worker".

By order of the Governor,

R. S. KRISHNASWAMY,
Secy. to the Govt. of West Bengal.

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GOVERNMENT OF WEST BENGAL

HEALTH AND LOCAL SELF-GOVERNMENT DEPARTMENT.

Local Self-Government.

NOTIFICATION.

No. L.S.-G.1M/129/48.—18th September 1948.—In exercise of the power conferred by section 19 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), the Governor is pleased hereby to cancel the rule published under notification No. 1171 M., dated the 29th May 1931, reserving, in the Santipur Municipality in the district of Nadia, out of fifteen seats to which commissioners are to be elected under section 16 of the said Act, five seats for the Muhammadan community and declaring the said community to be a minority community for the purpose of the election.

2. This notification shall have effect for the purpose of and from the next reconstitution of the commissioners of the said municipality.

By order of the Governor,

S. K. GUPTA,
Secy. to the Govt. of West Bengal.

OFFICE OF THE COMMISSIONER, PRESIDENCY DIVISION.

NOTIFICATION.

No. 1120M.—18th September 1948.—In exercise of the power conferred by section 20 of the Bengal Municipal Act, 1932, delegated to the Divisional Commissioners by Government notification No. 7908M., dated the 3rd November 1936, it is hereby notified for general information that for the election of commissioners of the Santipur Municipality in the district of Nadia, the number of commissioners to be elected from each of the existing wards of the municipality is determined as noted against each ward:—

Ward No. I—4 (four).

Ward No. II—3 (three).

Ward No. III—4 (four).

Ward No. IV—2 (two).

Ward No. V—2 (two).

J. N. TALUKDAR,
Commissioner, Presidency Division

Registered No. C207

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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1556L.—20th September, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE WEST BENGAL PREMISES REQUISITION AND CONTROL (TEMPORARY PROVISIONS) AMENDMENT BILL, 1948.

A

BILL

to amend the West Bengal Premises Requisition and Control (Temporary Provisions) Act, 1947.

WHEREAS it is expedient to amend the West Bengal Premises Requisition and Control (Temporary Provisions) Act, 1947, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Act, 1948.

Amendment of section 2 of West Bengal Act V of 1947.

2. In section 2 of the West Bengal Premises Requisition and Control (Temporary Provisions) Act, 1947 (hereinafter referred to as the said Act),—

(*I*) for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) 'Collector' means—

(*i*) in Calcutta, the First Land Acquisition Collector, and

(*ii*) elsewhere, the Collector of a district

and includes and other officer appointed by the Provincial Government to discharge the functions of a Collector under this Act whether in Calcutta or else-

The West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Bill, 1948.

(Clauses 3, 4.)

(3) for clause (*c*), the following clause shall be substituted, namely:—

"(*c*) 'premises' means any building or part of a building or any hut or part of a hut and includes the garden, grounds and out-houses (if any) appertaining to such building or part of a building or hut or part of a hut and also includes a room or rooms in an hotel, boarding house or lodging house;"; and

(4) in clause (*g*), after the words and figures "Code of Civil Procedure, 1908" the words "of the tenant" shall be inserted.

Amendment of section 3.

3. In section 3 of the said Act,—

(1) in sub-section (*1*), after the words "requisition such premises" the words "either with or without any or all of the furniture, if any, in such premises" shall be inserted;

(2) for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) An order under sub-section (*1*) shall be served in such manner as may be prescribed on the landlord, and where it relates to premises let out to a tenant, also on such tenant.";

(3) in clause (*b*) of sub-section (*3*),—

(*a*) after the words "the Provincial Government", the words "or such other authority as may be specified in the order" shall be inserted; and

(*b*) after the words "alter the premises", the words "or that no person shall without such permission enter into occupation thereof" shall be added; and

(4) in sub-section (*4*), after the words "in accordance with the provisions of this Act" the words "and to take possession of the premises requisitioned" shall be added.

Amendment of section 4.

4. Section 4 of the said Act shall be renumbered, as sub-section (*1*) of that section and,—

(1) in sub-section (*1*) of the said section, as so renumbered,—

(*a*) for clause (*a*), the following clauses shall be substituted, namely:—

"(*a*) order the person in occupation of the premises, if any, to vacate the premises within a period of ten days from the service of the notice;

(*aa*) order the landlord or the tenant, as the case may be, to remove the articles belonging to him, if any, and, where the premises are requisitioned without any furniture therein, such furniture, within a period of fifteen days from the service of the notice:

Provided that the Collector may, for reasons to be recorded in writing, extend the said period up to two months;"; and

(*b*) in clause (*c*), the words "to the landlord" shall be omitted; and

(2) after sub-section (*1*) of the said section, as so renumbered, the following sub-sections shall be added, namely:—

"(*2*) Where any person fails to comply with an order under clause (*aa*) of sub-section (*1*) directing any furniture or other articles to be removed, the Collector may cause such furniture or other articles to be removed and to be stored or sold by public auction in such manner as the Collector may think fit at the cost and risk of such person;

The West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Bill, 1948.

(Clauses 5—7.)

Provided that no furniture or other articles shall be sold by public auction in pursuance of the provisions of this sub-section without the previous sanction of the Provincial Government or such other authority as may be empowered in this behalf by the Provincial Government.

(3) Where any furniture or other articles are removed and are stored or sold by public auction in pursuance of the provisions of sub-section (2), the cost of such removal and of such storage or sale, as the case may be, may, without prejudice to any other mode of recovery, be deducted from the compensation payable or from the sale proceeds, if any, and the balance of the sale proceeds, if any after such deduction, shall be paid to the owner of such furniture or other articles, as the case may be:

Provided that if any dispute arises as to the person or persons to whom the amount of such balance or any part thereof is payable, the Collector shall keep the amount in revenue deposit till there has been a settlement of the dispute.".

Amendment of section 6.

5. In section 6 of the said Act, for the words, figures and brackets "the Provincial Government has requisitioned any premises under sub-section (1) of section 3, it" the words, figures and brackets "any premises have been requisitioned under sub-section (1) of section 3, the Provincial Government" shall be substituted.

Amendment of section 7.

6. For sub-section (1) of section 7 of the said Act, the following sub-section shall be substituted, namely:—

"(1) Notwithstanding anything contained in any other law for the time being in force, where any person in occupation of any requisitioned premises—

(*a*) uses the premises or allows the premises to be used wrongfully or in such manner as, in the opinion of the Collector, deteriorates or is likely to deteriorate the condition of the premises materially; or

(*b*) sublets without due authority the whole or any part of the premises; or

(*c*) fails or neglects to pay the rent or other sum payable by him for the occupation of the premises or for the use of any furniture therein; or

(*d*) otherwise acts in contravention of any of the terms, express or implied, of his tenancy or other like relationship created by the Provincial Government in respect of the premises,

the Collector may, without prejudice to any other action that may lie against such person for the recovery of any rent or other sum referred to in clause (*c*), which shall be recoverable as a public demand, by notice served in the prescribed manner, order such person or any other person found in occupation of the premises to vacate the premises within fourteen days of the service of the notice."

Amendment of section 9.

7. In section 9 of the said Act, after the words, "he considers expedient" the following shall be added, namely:—

"and may,—

(*a*) if he is a Magistrate, enforce the surrender of the premises in respect of which the order has been made to himself, or

The West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Bill, 1948.

(Clauses 8—12.)

(*b*) it he is not a Magistrate, apply to a Magistrate, or, in Calcutta, to the Commissioner of Police, and such Magistrate or Commissioner as the case may be, shall enforce the surrender of such premises to him."

Amendment of section 12

8. In section 12 of the said Act,—

(*1*) the figure and brackets "(1)" at the beginning, shall be omitted;

(*2*) to clause (*a*), the words "including, where the premises are requisitioned with any furniture therein, the charges for the use of such furniture" shall be added; and

(*3*) in clause (*b*),—

(*a*) after the words "change his residence or place of business", the words "or to remove his furniture or other articles to any other place" shall be inserted; and

(*b*) after the words "incidental to such change" the words "or removal" shall be inserted.

Amendment of section 13

9. In section 13 of the said Act, for the words "a tenant may be in occupation of the premises" the words "the premises may have been let out to a tenant" shall be substituted.

Amendment of section 16.

10. In section 16 of the said Act,—

(*1*) for the words "issue of notification", the words "issue of a notification" shall be substituted;

(*2*) for the words "his premises", the words "any premises" shall be substituted; and

(*3*) after the words "as provided in this chapter", the words "notwithstanding any agreement that may, previous to the date of such notification, have been made with any person for letting out the premises" shall be added.

Substitution of new section for section 17.

11. For section 17 of the said Act, the following section shall be substituted, namely:—

Notice by landlord.

"17. The landlord of any premises shall, within seven days after such premises fall vacant by reason of his ceasing to occupy such premises or by the termination of a tenancy in respect of such premises, give notice thereof to the Collector in the prescribed form and manner and shall also give similar notice to the Collector in respect of any vacant premises which have not been let out to tenants and the Collector shall decide whether or not any such premises shall be let out:

Provided that the notice in respect of premises lying vacant at the date of the notification under sub-section (*1*) of section 15 shall be given within fifteen days of such date."

Validity of orders made under section 3 of West Bengal Act V of 1947.

12. For the avoidance of doubt it is hereby declared that all orders heretofore made or purported to have been made under section 3 of the said Act by officers of the Provincial Government shall be deemed always to have been and to be as valid and effective as if made by the Provincial Government and no such order shall be called in question on the ground that the officer making it had [redacted]

STATEMENT OF OBJECTS AND REASONS.

In order to make the operation of the West Bengal Premises Requisition and Control (Temporary Provisions) Act, 1947, more effective it has become necessary to make the following provisions, namely:—

(*1*) to define the word "premises" so that the owner may not claim exemption from requisition of any premises on the plea that they are not intended for letting purposes;

(*2*) to obtain powers for the Provincial Government—

(*i*) to take such action as may be necessary to prevent occupation of any vacant premises which are proposed to be requisitioned;

(*ii*) where the premises are requisitioned without any furniture, to compel the owner thereof to remove the same within a specified period, failing which to make it liable to be removed, or sold in auction, if necessary, at the cost and risk of the owner;

(*iii*) in cases where the Collector is opposed or impeded in taking possession of any requisitioned premises, to enforce surrender of such premises; and

(*iv*) to evict any person inducted by Government on any requisitioned premises on the ground of wrongful use of such premises or default in the payment of rent and other charges in respect thereof, which shall be realisable as a public demand; and

(*3*) to validate all orders heretofore made under section 3 of the said Act by an officer of the Provincial Government.

The Bill has been framed with these objects in view.

BIMAL CHANDRA SINHA,
Member-in-Charge.

CALCUTTA,
The 18th September, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 21st September 1948.

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT
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ON :- 24 SEP 1948
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The Calcutta

Extraordinary

Published by Authority

THURSDAY, SEPTEMBER 23, 1948

PART I.—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL.

DEPARTMENT OF CIVIL SUPPLIES.

ORDERS.

No. 1027-D.C.S., 22nd September 1948. In exercise of the power conferred by clause (*a*) of paragraph 3 of the West Bengal Cotton Cloth (Movements Control Order, 1947, the Governor is pleased to make the following amendment in the Order No. 301-D.C.S., dated the 8th March 1948, published at page 257 of the *Calcutta Gazette, Extraordinary*, of the 9th March 1948.

Amendment.

In the said Order *for* the words "handloom hosiery goods and ready-made garments" substitute the words "hosiery goods".

No. 19280D.C.S.—22nd September 1948.—In exercise of the power conferred by clause (b) of sub-section (2) of section 3 of the West Bengal Cement Control Ordinance, 1948 (West Bengal Ordinance IX of 1948), the Governor is pleased to fix Rs. 95-9 per ton ex-godown (exclusive of sales tax) payable under the Bengal Finance (Sales Tax) Act, 1941, as the maximum price at which Portland cement brought by Messrs. Ramdas Daripa and Ramsaday Daripa from Jaipur to Bankura as per R/R. Nos. A704144 and A704150, dated the 3rd and 4th August 1948 may be sold at Bankura.

By order of the Governor,
R. S. KRISHNASWAMY,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Govt. Ptg., West Be
West Bengal Govt. Press, Alipore, on the 23rd September 194

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The Calcutta Gazette

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THURSDAY, SEPTEMBER 23, 1948

ART I—Orders and Notifications by the Governor of st Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

OFFICE OF THE COMMISSIONER, PRESIDENCY DIVISION.

NOTIFICATION.

No. 117 M.—23rd September 1948.—In exercise the power conferred by section 20 of the ngal Municipal Act, 1932, delegated to the visional Commissioners by Government notifica- n No. 7908M., dated the 3rd November 1936, is hereby notified for general information that the election of Commissioners of the Joynagar-ajpur Municipality in the district of the 24-rganas, the number of Commissioners to be

elected from each of the existing wards of the municipality is determined as noted against each ward :—

Ward No. I—2 (two).

Ward No. II—3 (three).

Ward No. III—2 (two).

Ward No. IV—2 (two).

J. N. TALUKDAR,
Commissioner, Presidency Division

Printed and published by the Superintendent, Govt. Ptg., West Beng
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gistered No. C207

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ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF HEALTH AND LOCAL SELF-GOVERNMENT.

Local Self-Government.

NOTIFICATION.

No. L.S.-G.1M/135/48. - 23rd September 19 In exercise of the power conferred by section 19 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), the Governor is pleased hereby to cancel the rule published under notification No. 6120M., dated the 10th November 19 reserving, in the Joynagar-Majilpur municipality in the district of the 24-Parganas, one of nine seats to which Commissioners are to be elected under section 16 of the said Act, one

seat for the Muhammadan Commu... declaring the said community to be a ... community for the purpose of the elect...

2. This notification shall have effe... purpose of and from the next reconstitu... Commissioners of the said municipality.

By order of the G... other
S. K. GUPTA
Secy. to the Govt. of W...

Printed and published by the Superintendent Govt. Ptg. West Beng
West Bengal Govt. Press, Alipore, on the 23rd September 194

Registered No. C207

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FRIDAY, SEPTEMBER 24, 1948

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT
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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Commerce, Labour and Industries Department.

Labour.

ORDER.

No. 3113Lab.—20th September 1948.—Whereas under the Government of West Bengal, Commerce, Labour and Industries Department, order No. 313Lab., dated the 15th August 1947, as subsequently amended by orders Nos. 118Lab., dated the 9th September 1947, 601Lab., dated the 4th October 1947, and 687Lab., dated the 17th October 1947, the industrial disputes that had arisen or were apprehended in the Jute Textile Industry in West Bengal between the employers of the Jute Mills specified in the Schedule referred to in order, dated the 9th September 1947, aforesaid and their workmen as represented by the (1) Jute Mill Workers' Federation, Bengal, of 115-E, Dharamtala Street, Calcutta; (2) Bengal Chatkal Mazdur Union of 249, Bowbazar Street, Calcutta; (3) Bengal National Chamber of Labour of 51, Chittaranjan Avenue, Calcutta; (4) Bansberia Mill Employees' Union, post office Bansberia, district Hooghly; (5) Howrah Zilla Chatkal Mazdur Union of 3/1, Kali Banerji Lane, Howrah, and such other registered Trade Unions as might have been permitted by the Tribunal hereinafter mentioned to be represented individually for legitimate reasons were referred for adjudication to Sri S. N. Modak, I.C.S. (Retd.), as Chairman and Sri Nagesh Chandra Chakravarti and Sri Satish Chandra Banerji, Additional District Judges, as members;

And whereas the said Tribunal has given the Award as shown in the annexure hereto;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 15 read with sub-section (3) of section 19 of the Industrial Disputes Act, 1947 (XIV of 1947), the Governor is pleased to make the following order and to direct with reference to section 17 of the said Act that the Award be published in the *Calcutta Gazette*.

The Award made by the said Tribunal shall bind the employers of Jute Mills aforesaid and their workmen as specified therein and shall remain in operation for a period of one year with effect from the 20th September 1948

ANNEXURE

In the matter of Industrial Disputes in the Jute Textile Industry in West Bengal between the employers of 89 specified jute mills and their workmen

PRESENT :

Chairman.

Sri Satyendra Nath Modak, I.C.S. (Retired).

Members.

Sri Matish Chandra Banarji, *Additional District Judge.*
Sri Nagesh Chandra Chakravarti, *Additional District Judge.*

AWARD.

1. These disputes in the Jute Textile Industry in West Bengal between the employers of 89 specified jute mills as per list in Appendix I and their workmen as represented by certain specified Trade Unions as mentioned in paragraph 1(12) of this Award were referred to us for adjudication under sections 7 and 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), by the Government of West Bengal in the Department of Commerce Labour and Industries, by order No. 343Lab., dated the 15th August 1947. This order was amended by way of clarification by order No. 418Lab., dated the 9th September 1947, order No. 601Lab., dated the 4th October 1947 and order No. 687Lab., dated the 17th October 1947. The reference covers the entire Jute Textile Industry in West Bengal, and the parties to these disputes are the employers of all the 89 jute mills on one side and the workmen of these mills numbering 275,000 more or less on the other.

1(1). The Jute Textile Industry in respect of its size and position in the National Economy of the Union of India is next only to the Cotton Textile Industry. It is the premier industry in West Bengal. The Jute Textile Industry is located mainly in West Bengal over a stretch of about 60 miles on either side of the river Hooghly, from Bansberia to Uluberia on the west bank and from Halisahar to Birlapur on the east bank. There are some units in the industry in the Province of Bihar, the United Provinces, and Madras Presidency and in the Eastern States Agency. Out of 112 jute mills all over the Union of India, 101 (inclusive of 1 in French Chandernagore) are situated in West Bengal. In 1944 not more than 7 per cent. of the total number of workers employed in the industry were outside West Bengal, and there is no reason to consider that there has since been any appreciable change of this proportion of employees in West Bengal and outside. The development of the industry in West Bengal was due initially to European enterprise, and was mainly conceived to meet the requirements of overseas markets.

1(2). It will be interesting to note that there was a flourishing jute handloom industry in Bengal till about the middle of the last century, and it accounted for the entire volume of the exports of jute fabric from India. It is remarkable that in 1850-51, raw jute and jute goods produced by the handloom industry were exported to Europe, North America, Malaya, Ceylon, Arabia and other places to the extent of 793,299 maunds of raw jute and 9,035,713 pieces of gunnies and gunny cloth. (*Report of the Bengal Jute Enquiry Committee, 1934*, Volume I, page 74.)

1(3). This prosperity, however, was eclipsed by the growth of mechanical manufacture of jute products in Dundee and in the Calcutta industrial area. The decadence of the indigenous industry actually started in 1835, when the first jute mill was established in Dundee and jute goods manufactured by mechanical processes began to compete with the handloom products of Bengal threatening the indigenous industry to the limit of ultimate extinction; it was but hastened by the establishment of local power-driven industry. The first power-driven spinning mill was established at Serampore in 1855, but the weaving was done by hand until 1859, when power-driven looms were installed. The handloom industry gradually declined, but it held some ground till 1884, and ceased to exist nearabout 1885. It is reported that even in 1880 the fine products of the handloom industry accounted for Rs.2·6 lakhs out of the total value of Rs.113 lakhs exported during the year. (*Report of the Bengal Jute Enquiry Committee, 1934*, Volume I, page 75.)

1(4). The decline of the handloom industry synchronised with the expansion of the power loom industry. During the period 1860 to 1873, only five companies were operating with a total loomage of 1,250. In 1885 there were eleven companies with 6,700 looms. The industry grew steadily from year to year and from period to period, and at present in West Bengal there are 101 jute mills (including 1 in French Chandernagore) with 65,227 looms, and these account for 57 per cent. of the world's total loomage (*Report of the Bengal Industrial Survey Committee*, page 60.) Although manufacturing operations were taken up in Bengal much later than in many other countries, by 1910 the power loom production in India outstripped in productive capacity all other centres including Dundee.

1(5). The industry was organised by the manufacturers even at the early stages of its development. The Indian Jute Manufacturers' Association was formed in July 1884 for the improvement of the trade and internal discipline, and for collective action to promote and protect the interests of the members. This Association was renamed Indian Jute Mills' Association in 1902. In 1939 the Association expanded its organising responsibility by a voluntary agreement among its members in Bengal and outside relating to working hours for the adjustment of output to demand. According to the Review of Trade, the industry was placed on a stable foundation by this agreement. Out of 112 jute mills in the Union of India, 103 are members of the Association, and of these 97 are in West Bengal. Out of the total loomage in the Union of India, 95 per cent. is under the control of the Indian Jute Mills' Association. Out of 101 jute mills (including 1 in French Chandernagore) in West Bengal, 11 were under requisition by the Government of India on the date of this reference. The rest comprises the 89 mills located in West Bengal, involved in this reference, a list of which appears in Appendix I. It may be noted that the mills in the district of 24-Parganas as mentioned in the list are on the east bank of the river Hooghly, and those in the districts of Howrah and Hooghly are on the west bank.

1(6). There are groups of mills under the management of the same Managing Agents. Messrs. Bird and Co. manage 7 mills with a total loomage of 5,890, Messrs. Thomas Duff and Co. have under their management 4 mills with 6,334 looms, Messrs. Jardine Henderson, Ltd., control 4 mills with a loomage of 6,440, and Messrs. Andrew Yule & Co., Ltd., manage 9 mills with a total of 6,396 looms. These are the managing agents commanding the greatest number of looms in the industry. The Hukum Chand Jute Mill at Halisahar in 24-Parganas (Managing Agents: Ram

Dutt Ram Kissen Dass) commands the largest number of looms in a single mill, the number being 2,272 which is 3·47 per cent. of the total loomage in the entire industry in the Union of India.

1(7). Though there has been a remarkable expansion of the Jute Textile Industry in Bengal, ever since its inception lack of variety in the items of manufactured goods has all along been the distinctive character of the industry. No mentionable attempt appears to have been made to manufacture anything beyond hessian and sacking cloth. In confining their operations to only a few manufacturing processes, the jute mills have not only failed to expand the scope of the trade, but they have also been suffering from the evils of overproduction of the particular varieties manufactured by them. The restriction of the manufacturing processes to the production of practically two varieties of goods appears to have compelled the management to resort frequently to shorter hours and sealing of looms and this has been the consistent practice of the jute mills for the last 40 years or so. It may be mentioned that the jute fabric is also used in manufacturing shirtings, curtains, carpets and rugs, particularly in European countries and America. In those countries it is also blended with wool and the finer qualities are used for mixing with silk and for manufacturing imitation silk. The coarser qualities are used in cordage and the rejections and cuttings are utilised in the manufacture of paper. (Report of the Bengal Jute Enquiry Committee, 1934, pages 80 and 82.)

1(8). Jute is the pre-eminent commercial crop of undivided Bengal. It is cultivated in almost all the districts, although its cultivation is restricted to only 10 per cent. of the total net cropped area. Jute is also grown in the neighbouring Provinces of Bihar, Orissa and Assam. Undivided Bengal claimed about 90 per cent. of the total produce in all the Provinces taken together. (Report of the Bengal Jute Enquiry Committee, page 71.) The density of cultivation is, however, very low in all the jute-growing districts except Mymensingh, Dacca, Faridpur, Tippera, Pabna, Bogra and Rajshahi which account for nearly 80 per cent. of the total acreage of jute in undivided Bengal. (Report of the Bengal Jute Enquiry Committee, 1939, page 6.) After the partition of the old Province of Bengal on the 15th August, 1947, all these districts have been included in the Province of East Bengal in Pakistan. In 1941-42 jute and jute manufactures accounted for nearly 50 per cent. of the value of export trade of undivided Bengal and 25 per cent. of the value of export trade of British India. The importance of jute and jute manufactures as an earner of foreign exchange cannot, therefore, be overestimated. At the present stage after the partition, all the jute mills of undivided Bengal are now situated in West Bengal, while most of the jute-growing areas are in the Province of East Bengal in Pakistan.

1(9). The labour force in the jute mills is drawn from the landless agriculturists of West Bengal and East Bengal and of other Provinces who have been lured by wages higher than agricultural wages at home. In the initial stages, that is, till about the close of the last century, the labour was drawn principally from the agriculturists of the locality around the mills. With the expansion of the industry and with the spread of knowledge in the neighbouring Provinces that work was available in the factories in and about Calcutta, labourers from Bihar, U.P., C.P. and Madras began to seek work in them. Emigration from U.P. is estimated to have been the heaviest in West Bengal. ("The Indian Working Class" by Dr. R. Mukherjee, page 3.) The Bengali Hindu and Muslim form only a small percentage of the total labour force in the jute mills in West Bengal and they are mostly engaged in the Weaving Departments. The jute mill labour in Bengal is, therefore, of a heterogeneous composition hailing from different Provinces and speaking different tongues.

1(10). The rapid development of the industry and the increase of the landless class which migrated from rural areas for industrial employment hardly allowed adequate time for a smooth adjustment between the management and labour and produced conditions of employment that created perennial disputes and strikes resulting in inefficiency and loss of production. There were 226 strikes in jute mills in West Bengal during the period from 1938 to 1946 and the man hours lost in 1938 were more than 15 million and those in 1946 were above 34 million. In each of the intervening years there was a loss of 3 to 8 million man hours on account of these strikes. In 1929 there was a general strike affecting about 272,000 jute mill workers in West Bengal and lasting 11 weeks, directed against the employers' decision to increase the working hours from 50 to 60 per week. There was another general strike in 1938 involving 219,800 workers, and a loss of wages of about 35½ lakhs of rupees. The workers demanded restoration of the cut in wages effected in 1932. ("The Indian Working Class" by Dr. R. Mukherjee, pages 347 and 154.)

1(11). The discontent that flared up in strikes had its origin in the conditions of wages and of employment which were not considered by the workers as satisfactory. In their Report (1931), the Royal Commission on Labour in India have quoted the following evidence of the Government of Bengal: "Perhaps, in no industry in the world, situated in such a circumscribed area, is the wage position more inchoate. The mills, grouped under different managing agents, work under wage systems which have developed many idiosyncrasies during the long or short years of their existence. Even in mills under the same managing agents, there are differences which, to persons not acquainted with the position, seem incredible. For example, in two mills situated in the same area and separated from each other by little more than a boundary wall, under the same managing agents there is practically not a single entry of wages which is the same. In three mills under the same managing agents situated within a stone's throw of each other, the rates in one mill have for many years been higher than those in the other two mills. In other groups of mills, situated close to each other and under different managing agents the wage rates in individual mills are kept, or are supposed to be kept, strictly secret." The Commission felt the need of standardisation in jute mills and recommended that "the industry, which has all the advantages of a high degree of internal organisation on the employers' side should take early steps to investigate the possibility of standardisation of wage rates, both for time and piece workers, associating with it representatives of *bona fide* Trade Unions". (Report of the Royal Commission on Labour in India, pages 215 and 216.) Even now the question of standardisation of wages has not been taken up by the industry and it is undoubtedly a matter of great urgency. The Indian working class has been hit by the soaring cost of living and has been making insistent demands for favourable revision of wages and dearness allowance. The workers' demand better housing and sanitary conditions, improved medical, educational and welfare facilities. They are aggrieved that retiral benefits were not suitable to their needs. They want better security of service and more reasonable service rules. These are some of the principal grievances which have given rise to pronounced labour unrest in the Jute Textile Industry.

1(12). The Industrial Disputes Act (Act XIV of 1947), which lays down provisions for compulsory adjudication of industrial disputes by Tribunals, came into operation on 1st April 1947. On the 15th August 1947, the Province of West Bengal was created on partition of the old Province of Bengal and on that very date the Government of West Bengal in the Department of Commerce, Labour and Industries referred the disputes in the Jute Textile Industry in West Bengal to us for adjudication. As

already stated the 89 jute mills involved in this adjudication have been mentioned in the list under Appendix I. In accordance with the order of reference the workmen involved are represented by the following 5 Unions:—

(1) The Jute Mill Workers' Federation, Bengal, of 115E, Dharmatala Street, Calcutta.

(2) The Bengal Chatkal Mazdoor Union of 249, Bowbazar Street, Calcutta.

(3) The Bengal National Chamber of Labour of 51, Chittaranjan Avenue, Calcutta.

(4) The Bansberia Mill Employees' Union of P.O. Bansberia, district Hooghly.

(5) The Howrah Zilla Chatkal Mazdoor Union of 3/1, Kali Banarji Lane, Howrah.

1(13). Notices were issued on the individual mills through their managing agents as well as on the five Unions on 10th October 1947. The Jute Mill Workers' Federation, the Bengal National Chamber of Labour and the Bansberia Mill Employees' Union filed their written statements on 3rd November 1947. The Bengal Chatkal Mazdoor Union and the Howrah Zilla Chatkal Mazdoor Union filed their written statements on 6th November 1947. All the individual mills including three non-member mills authorised the Indian Jute Mills' Association to represent them in the adjudication proceedings before this Tribunal, and in fact they were so represented throughout the proceedings. The Prabartak Jute Mills, however, addressed the Tribunal separately on the 8th June 1948, although it adopted the submissions made by the Indian Jute Mills' Association in the rest of the proceedings. The Indian Jute Mills' Association on behalf of all the jute mills filed a written statement on 25th November 1947. The Prabartak Jute Mills filed a separate written statement with regard to certain special features on the same date. A summary of demands made by the Unions, as prepared by the Indian Jute Mills' Association in tabular form and as filed before the Tribunal along with the Association's written statement, is appended to this award as Appendix II.

1(14). The appearances were as follows:—Sri N. Dutt Majumdar, Counsel, Sri P. K. Basu, Counsel, Sri S. K. Basu, Advocate, Sri D. L. Sen Gupta, Pleader, and Sri Phani Ghose, General Secretary of the Federation, appeared for the Bengal Jute Mill Workers' Federation. Sri Indrajit Gupta, Organising Secretary of the Union, Sri Sushil Roy, Sri Sudha Pramanik and Sri Ajoy Das Gupta appeared for the Bengal Chatkal Mazdoor Union. The Bengal National Chamber of Labour was represented by Janab Shafaatullah Khan, General Secretary, Sri Rajani Mukherji, Vice-President, and Sri Jatindra Nath Mitra. The Howrah Zilla Chatkal Mazdoor Union was represented by Sri Shib Nath Banerji, the President of the Union. The Bansberia Mill Employees' Union was represented by the General Secretary Sri Phani Bhusan Mallik, Sri Amiyadhan Mukherji and Sri Kunja Lal Bhattacharji.

1(15). Sri S. Chaudhuri, Counsel, Dr. H. G. Waight, Counsel, Sri P. P. Ginwala, Counsel, Sri S. C. Sen, Advocate, assisted by Messrs. Orr Dignam and Co., Solicitors, and Mr. J. Lee, Labour Adviser of the Indian Jute Mills' Association, Mr. J. J. B. Sutherland, Deputy Secretary, and Mr. W. D. Bryden, Acting Deputy Secretary of the Indian Jute Mills Association, represented the Indian Jute Mills' Association in the proceedings before the Tribunal. Sri D. N. Chaudhuri, Director, and Sri N. K. Mukherji, Advocate, appeared for the Prabartak Jute Mills.

1(16). The issues, that is, the points in disputes, were settled on 5th December 1947, and the main hearing commenced on 5th January 1948, after the respective parties were given the opportunity of inspecting a number of documents filed. The hearing proper took place on 60 days with breaks in every week, to enable the Judges of the Tribunal to attend to work in connection with other individual industrial disputes. The Judges of the Tribunal inspected the Bengal Jute Mills and the Fort William Jute Mills at Howrah on 2nd December 1947, the Angus Jute Mills at Bhadreswar in Hooghly district on 12th March 1948, the Birla Jute Mills at Birlapur in 24-Parganas district on 24th March, 1948, the Howrah Jute Mills at Howrah on 12th May 1948, and the Prabartak Jute Mills at Belghuria in 24-Parganas district on 19th May 1948.

1(17). On the written statements filed by the parties concerned and on hearing their representatives the following issues were settled:—

(1) Recognition of Trade Unions by the employers.

(2) Standardisation of occupational nomenclature and categories of workers.

(3) Minimum basic wages for manual workers and clerks.

(4) Revision of piece rates.

(5) Grades of wages for manual workers and clerks.

(6) Revision of dearness allowance.

(7) Bonus (1) for past years and (2) for the future. Profit-sharing bonus.

(8) Payment for period of involuntary unemployment.

(9) Procedure for retrenchment and payment of compensation.

(10) Revision of working hours and of spread-over period.

(11) Abolition of contract labour and sardar system.

(12) (*a*) Standing orders and rules of service.

(*b*) Security of service.

(*c*) Probationary period.

(13) Rules of—

(*a*) Leave,

(*b*) Maternity leave,

(*c*) Holidays.

(14) Provision for Provident Fund, Gratuity and Pension.

(15) Housing and house allowance.

(16) Revision of medical facilities.

(17) (*a*) Improvement of working conditions and sanitary arrangements.

(*b*) Provision against occupational diseases and hazards.

(18) Cheap canteen.

(19) Provision for rest and recreation.

(20) Provision for crechès.

(21) Arrangements for educational facilities for adult workers and their children.

(22) (*a*) Free supply of implements to mechanical workers and carpenters.

(*b*) Free supply of uniforms to durwans and drivers, and members of crews on launches.

(23) Revision of system of recording attendance.

(24) Representatives of the employees to be taken in the administration.

(25) Relieving clerks and filling of vacancies.

(26) Specific cases of victimisation, as per list (as given under Appendix III).

(27) Nationalisation of Jute Textile Industry.

(28) Re-absorption of workmen in mills derequisitioned.

(29) The case of Prabartak Jute Mill.

1(18). Issue No. 9 (Procedure for retrenchment and payment of compensation) and Issue No. 26 (Specific cases of victimisation as per list) were heard in part on 18th, 23rd and 24th February 1948. Further proceedings in respect of these two issues were stayed by the High Court of Calcutta by a prohibitory notice in a proceeding for a writ of *certiorari* started by the Presidency Jute Mill, which is one of the mills involved in this reference. The notice was issued by the High Court on 8th March 1948, and was served on the Tribunal on 5th April 1948. The proceedings with regard to Issues Nos. 9 and 26 have accordingly been stayed. We are refraining from giving any award in respect of these two issues. The Tribunal will consider the other issues and give awards in respect of those issues only.

ISSUE No. 1.—Recognition of Trade Unions by the employers.

2. We now proceed to consider the issues one by one and take up Issue No. 1 relating to the question of recognition of individual Trade Unions by the respective employers. The claim regarding recognition was put forward by all the Unions appearing before us. During the hearing, however, Janab Shafaatullah Khan on behalf of the Bengal National Chamber of Labour withdraws, by a formal application, the claim for recognition. Sri S. K. Basu, Advocate, on behalf of the Jute Mill Workers' Federation, however, insists that the claim should be considered by the Tribunal. It has been contended by Sri S. Chaudhuri, Counsel on behalf of the Indian Jute Mills Association that the question of recognition of Trade Unions is not an industrial dispute. The first question, therefore, is whether the subject-matter of this issue constitute an industrial dispute at all within the meaning of section 2(*k*) of the Industrial Disputes Act. The Chairman of this Tribunal had an occasion to give a decision on this point in considering Issue No. 12 in the matter of an industrial dispute between the Bengal Chemical and Pharmaceutical Works, Ltd., and its employees, the relevant award having been published in the *Calcutta Gazette* by the Government of West Bengal Department of Commerce, Labour and Industries, order No. 756Lab dated the 5th November 1947. We have carefully considered that decision and we agree generally with the view taken by the Adjudicator in that award. The question is whether the claim for recognition is an industrial dispute or in other words whether the Tribunal has jurisdiction to make an award on an issue of recognition of Trade Unions. If the Tribunal has no such jurisdiction, we cannot proceed any further. Under section 2(*k*) of the Industrial Disputes Act, an "industrial dispute" means any dispute or difference between employers and workmen which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person. The question of recognition of a Trade Union may undoubtedly form a subject-matter of a dispute between employers and workmen. But in order that the dispute may

constitute an industrial dispute, it must be connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person. On carefully considering the matter we fail to see any connection such as is required in order to convert a dispute into an industrial dispute. It has been argued by Sri S. K. Basu on behalf of the Federation that the workers have a right of collective bargaining to be exercised through recognised Trade Unions and as the Trade Union concerned is to do the bargaining, a matter of recognition of the Union by the employer is an industrial dispute. This contention, to our mind, is not sound. The right of collective bargaining is an inherent and fundamental right of the workers and cannot form the subject-matter of a contract of employment nor can it be, or be connected with, any term of employment. We must, therefore, unhesitatingly come to the conclusion that a claim of recognition of Trade Unions by the employees is not an industrial dispute within the meaning of the Industrial Disputes Act and this Tribunal has no jurisdiction to deal with the issue at all.

2(1). That a Tribunal set up under the Industrial Disputes Act has no jurisdiction to make an Award on an issue of this kind is presumably the reason why the Legislature thought fit to enact the Indian Trade Union (Amendment) Act XLV of 1947. The circumstances amply indicate that the Legislature was perfectly conscious of the position that a Tribunal under the Industrial Disputes Act had no such jurisdiction, and it would not be legal for any authority under any existing Statute to make an order of compulsory recognition of a Trade Union by the employer concerned. The Indian Trade Union (Amendment) Act of 1947 is now on the Statute Book This very necessary enactment provides for the machinery for dealing with questions of recognition of Trade Unions, in so far as it lays down provisions for setting up Labour Courts for the purpose and has provided for a definite procedure and has enjoined the consideration of certain conditions for recognition. It is perfecty clear that this Tribunal cannot take upon itself the task which the law requires a Labour Court to perform. We may state in passing that the Trade Unions which have appeared before us in the present proceedings do not comprise all the individual Trade Unions concerned in the Jute Textile Industry, and as the Trade Unions concerned have not appeared individually before this Tribunal it would not be practicable for us to consider the question of recognition of individual Unions, even if it were permissible for us, under the law, to do so. In the result we come to the conclusion that this Tribunal has no jurisdiction to deal with Issue No. 1, and we accordingly reject the claim.

ISSUE No. 2.—Standardisation of occupational nomenclature and categories of workers.

3 We now pass on to deal with Issue No. 2 relating to the standardisation of occupational nomenclature and categories of workers in the different departments of a jute mill. The Jute Mill Workers' Federation, while dealing with the question of minimum basic wages in its written statement, referred to the division of workers into the categories "unskilled", "semi-skilled", and "skilled", and stressed the question of a proper standardised classification of workers. The Bengal Chatkal Mazdoor Union, in its written statement, demanded the classification of all categories of jute mill labour including the mechanical staff and durwans as "unskilled", "semi-skilled", "skilled" and "highly skilled" according to the degree of skill, qualifications, and risks demanded by their different occupations and fixation of wage-scales proportionately higher than the minimum for each category.

The demand was apparently made with the idea of introducing a basis for standardisation, throughout the Jute Textile Industry, of wages and rates for the same category of workers and types of work. The Bengal National Chamber of Labour, in its written statement, while dealing with the question of minimum basic wages indicated the division of workers into the distinct categories of "unskilled", "semi-skilled", "skilled", and "highly skilled". In course of the hearing the Unions generally insisted on standardisation of occupational nomenclature and the division of workers according to the degrees of skill required in pursuing the different occupations. The Unions insisted on the proposed standardisation not only in respect of the manual workers in the different departments of a jute mill but also in respect of members of the clerical staff. As regards the clerical workers we propose to deal with their case later on, and for the moment we shall discuss the question of standardisation in respect of the manual workers alone.

3(1). A list of occupations was filed by the Indian Jute Mills' Association as early as on 13th January 1948. Another fuller list was filed by the Association on 5th May 1948. The Bengal National Chamber of Labour filed a still fuller list with regard to the subject of standardisation of occupational nomenclature, and the representatives of the Indian Jute Mills Association were asked to consider if they would agree to the fuller list presented by the Bengal National Chamber of Labour. Meanwhile we proceeded to examine on the spot all the occupations of not only manual workers but also of clerical workers with reference to the lists filed by the parties, and for this purpose we inspected all the departments of a jute mill with particular reference to the nature of the occupation pursued by each worker. We came back with the impressions obtained from our personal inspection of the minute details of the different occupations. On a subsequent date of hearing the Indian Jute Mills Association accepted the list of occupations furnished by the Bengal National Chamber of Labour, and in the light of our personal experience we were able to adopt that list with some additions as the final list showing a scheme of standardised occupational nomenclature. Information as to which categories of workers were piece-workers or time-workers was subsequently obtained in the presence of all parties concerned and was incorporated in the list. The final list of occupational nomenclature, as agreed to by all the parties concerned and as adopted by us, appears in Appendix IV. The list shows the various departments in a jute mill and the categories of workers who may be found employed there. The list is comprehensive as far as the entire industry is concerned. But it is not indicative of the complement found in a particular mill. In fact in the course of our local inspections we discovered that all categories of workers did not exist in all the mills, and in some concerns particularly in the smaller mills, occupations were sometimes combined in one person. Apart from these divergences arising from different local conditions, we are satisfied that the list given in Appendix IV, which we have adopted and which shall form part of our award, represents a satisfactory scheme of standardised occupational nomenclature. The Indian Jute Mills Association in its written statement and in course of the hearing in the earlier part of the proceedings insisted, we believe rightly, on the appointment of assessors for advising the Tribunal on the question of standardisation of occupational nomenclature. Unfortunately, however, the Unions could not see their way to agree to the proposal, and eventually the idea of appointing technical assessors for the purpose fell through. We consider that technical assessors could have been immensely helpful to us for the purpose. But as matters stood we had to proceed even without technical assessors, as best as we could, and we are glad that a final list of standardised occupational nomenclature has emerged out of our discussion

with the parties, and it is hoped that this list will be considered as satisfactory by all parties concerned. The failure to get the assistance of technical assessors was indeed regrettable with regard to the consideration of this issue. But we feel that it was infinitely more regrettable in the case of the issue of standardisation of wage rates, which subject we shall deal with later on.

3(2). The question has arisen as to whether we should divide the manual workers into definite categories like "unskilled", "semi-skilled", "skilled" and "highly skilled", or into a larger number of categories on any other basis. The representatives of the Unions were insistent that the former method should be adopted. They also insisted that wage rates should be standardised on the basis of a division of workers into categories of those varieties. It is noticeable that in paragraph 222 on page 124 of the Report of the Central Pay Commission, a definite reference has been made to these categories depending on degrees of skill. The Indian Jute Mills' Association opposed the idea on the ground that classification of workers on the basis of so-called degrees of skill was impracticable. We have carefully applied our minds to the subject in the light of our own observations in course of our watching the different categories of workers at work in the different departments of a jute mill. We are not unmindful of the opinion expressed by an authority like Sri S. R. Deshpande in his Report on an Enquiry into Conditions of Labour in the Jute Mill Industry in India. On page 8, second paragraph, for instance, he observes as follows:—"Workers in the Batching Department with the probable exception of selectors are nearly all unskilled men. Jute cutters may also be classified as unskilled. In the Weaving Department, with the exception of coolies and sweepers, all the workers can be regarded as skilled. The same applies to the Spinning Department where with the exception of coolies, sweepers and shifter boys, the rest are regarded as skilled." With great respect to the author, we must say, in the light of our own observations on the spot and of what we have heard in course of the arguments advanced by the parties including representatives of the Indian Jute Mills' Association, that the views expressed in the paragraph referred to are more or less of a sweeping nature and do not fit in with the real factors governing the different occupations. On pages 26 and 27 of the Report, Sri S. R. Deshpande observes as follows:—"The actual framing of a standardisation scheme is a matter for technicians. If a layman, however, can venture on a suggestion it would appear that, while dealing with time-rate occupations at any rate, in spite of multiplicity of the occupations, it should be possible to tackle the issue without undue difficulty. It may look over-simplifying the issue but a possible approach to the problem appears to be first of all, to standardise the occupations then group them into half a dozen or even less number of classes according to the degree of skill and effort required and fix a minimum for the lowest-paid class which minimum should represent at the moment an equitable basis between capital and labour." We, however feel that the term "skill" is very difficult to define, and it appears to us that the term is frequently being used in a sense which probably covers many ingredients other than what may strictly be called "skill" in the ordinary sense of the term. The Unions appearing before us, particularly the Jute Mill Workers' Federation and the Bengal National Chamber of Labour, presented a comprehensive list of proposed wage rates in accordance with the division of manual workers into specific categories of "unskilled", "semi-skilled", "skilled" and "highly skilled", with some subdivisions of these categories in some cases. We find that what is really meant by the term "skill" is not merely skill or dexterity or practical knowledge of how a particular piece of work is to be done, but it is also supposed to include several other ingredients such as the mental and physical application and

attention required, the responsibility and mental and physical strain involved and other factors. We also find that it would be extremely difficult even for technical experts to divide the workers pursuing all these different occupations in a jute mill involving different degrees of dexterity, mental and physical application, responsibility, attention, strain, etc., into stereotyped categories under the headings of "unskilled", "semi-skilled", "skilled" and "highly skilled", etc. We feel certain that in attempting to devise a classification of this nature a great deal of arbitrariness is bound to come into operation, for the simple reason that there are many border line occupations which can be put equally well either in the lower category or in the next higher. On giving our most careful consideration to the whole question in the light of what we have personally observed and of the materials placed at our disposal we come to the unhesitating conclusion that it is neither practicable nor necessary for our purpose to classify the manual workers into categories depending on the element of so-called "skill". We have, therefore, decided to adopt a scheme of standardised occupational nomenclature as per Appendix IV, and we are of opinion that for the purpose of evolving a scheme of standardisation of wage rates it will be quite adequate. The result will be that for practical purposes each occupation will stand as a category by itself. How this will be the most practicable and helpful way of evolving a basis for standardisation of wage rates will be evident in subsequent portions of our Award in which we shall deal with the subject of wage rates for the different occupations.

3(3). We now come to the question of standardisation of occupational nomenclature in respect of the clerical workers. The Unions, particularly the Bengal National Chamber of Labour submitted a tentative list of occupational nomenclature of the clerical staff. We had the occasion of testing this list on the spot during our inspection of the different departments of a jute mill. We find that all the occupations do not exist in all the mills, and in some mills, particularly the smaller ones, some occupations happen to be combined in one person. Apart from this aspect of the matter the question is whether it is practicable or useful to introduce a standardised system of nomenclature in respect of the clerical workers. The members of the clerical staff work not only in the departments of a jute mill but also in offices outside the factory. It has been difficult for the parties to present a full list of occupations prevailing in all places where clerks are employed and it has not been possible for us also to obtain complete information. On giving very careful consideration to the whole subject we are of opinion that it is not really necessary for our purpose in view of what we are going to direct in respect of the revision of wage rates regarding the clerical staff, to draw up a scheme of standardisation of occupational nomenclature in respect of clerical workers. What we mean will be evident from the later portions of our award in which we shall deal with the question of wage rates.

3(4). In the result, we do not propose to do anything more with regard to the subject-matter of standardisation of occupational nomenclature and we adopt the scheme of standardisation of occupational nomenclature in respect of the manual workers alone as shown in Appendix IV and we make our award accordingly.

ISSUE No. 3.—Minimum basic wages for manual workers and clerks.

4. We next take up the question of minimum basic wages for manual workers and clerks under Issue No. 3. In considering this issue we shall naturally go into certain factors relating to the question of dearness allowance as in arriving at a standard of minimum wages for manual work

for clerical workers, we shall be required to decide upon the standard of total emoluments in the light of the prevailing circumstances including the element of increased cost of living. In dealing with the present issue, however, we shall leave aside the details relating to dearness allowance which will be more appropriately discussed under Issue No. 6. At the very outset we may briefly state the nature of the claims put forward by the different Unions regarding the subject of minimum basic wages. The Jute Mill Workers' Federation has demanded the fixation of minimum basic wages for each category of workers after proper standardised classification, and also the fixation of dearness allowance with room for future adjustment. The Federation has claimed that the minimum basic wages of manual workers including durwans should be Rs.40 per month and the minimum dearness allowance should be Rs.35 per month. It has also claimed that the minimum basic wages for middle class employees, that is, the clerical staff should be Rs.70 per month along with dearness allowance on a sliding scale, as laid down in the Report of the Central Pay Commission, depending on variations in the cost of living index figures. The Bengal Chatkal Mazdoor Union has asked for fixation of minimum basic wages for an unskilled manual worker at Rs.40 per month, and for a clerical worker at Rs.80 per month, along with dearness allowance at a flat rate of Rs.45 per month. The Bengal National Chamber of Labour has asked for fixation of minimum basic wages for an unskilled manual worker at Rs.40 per month, for a semi-skilled manual worker at Rs.50 per month, for a skilled manual worker at Rs.60 per month, for a highly skilled manual worker at Rs.80 per month, and for a durwan at Rs.60 per month, along with dearness allowance at Rs.45 per month, which, it is urged, should not be linked with attendance. The Howrah Zilla Chatkal Mazdoor Union has claimed minimum basic wages for an unskilled manual worker at Rs.40 per month, and for a clerical worker at Rs.80 per month, along with dearness allowance at Rs.45 per month. The Bansberia Jute Mill Employees' Union has asked for minimum basic wages for a clerical worker at Rs.80 per month and for a durwan at Rs.40 per month. The Indian Jute Mills' Association has agreed that the subject-matter of the present issue is pre-eminently a question to be determined by this Tribunal, and the need of increasing the prevailing scales of minimum wages or other wages is not denied. With regard to the fixation of wages on a basis of standardisation, the Association suggested the appointment of technical assessors for assisting the Tribunal. As already indicated, no agreement could, however, be reached on the question of appointment of assessors, and the Tribunal has had to proceed on its own account in the light of the facts and circumstances made available to it by the parties concerned.

16. At this stage we may consider the present state of things with regard to the scales of wages. We have already referred in paragraph 1(11) of our award to the observations of the Royal Commission on Labour in India, on pages 215-16 of the Report, embodying a recommendation to the effect that the Jute Textile Industry should take early steps to investigate the possibility of standardisation of wage rates, both for time and piece-workers associating with it representatives of *bona fide* trade unions. We have already indicated that a scheme of standardisation of wages is a crying need of the hour, and in spite of difficulties we have taken upon ourselves the responsible task of erecting a wage structure, on a basis of standardisation, with regard to all categories of workers. The fixation of minimum basic wages along with a proper scale of dearness allowance is obviously the foundation on which such a wage structure can be built. The subject of Issue No. 3, therefore, is of the utmost importance, and we must come to a decision on this subject with the greatest care possible. Before proceeding any further, let us examine the standards of wages which are prevailing at the moment. We find the following observations on page 19 of Sri S. R. Deshpande's Report on an Enquiry into Conditions of Labour

in the Jute Mill Industry in India (1946) where he gives the result of his investigation in connection with 21 jute mills in West Bengal:— "Taking all the workers in the selected occupations, it will be seen that the basic wages of 20·07 per cent. lie within the wage group Rs.2-8 to Rs.3-8 per week, of 40·63 per cent. in the wage group of Rs.3-8 to Rs. per week, of 33·47 per cent. in the wage group of Rs.5 to Rs.8 per week and of 5·83 per cent. within the wage group of Rs.8 to Rs.9 per week and over." It appears that these were the prevailing standards of wages even after the increments to the extent of 10 per cent. allowed in 1939. Sri S. R. Deshpande's Report seems to indicate that the minimum basic wages prevailing in the industry were something like Rs.2-8 per week in or about the year 1945. It appears that from April 1946 increments to the extent of 15 per cent. of the basic wages were allowed. From the figures of wages which have been submitted to the Tribunal by the Indian Jute Mills' Association and which have not been controverted by the Unions on behalf of the workers, it appears that the minimum basic wages per month consisting of 4½ weeks or 208 working hours, prevailing at the present moment, amount to Rs.18. It further appears that while there is no system of dearness allowance called as such at present, an allowance called amenity allowance at Rs.4-8 per week or Rs.19-8 per month consisting of 4½ weeks or 208 working hours (amenity allowance being linked with attendance) is allowed, and further different items of food are supplied to the workers at concession rates from the mill ration shops, the cash value of the food concession being, on the average, something like Rs.2 per week or about Rs.8-10-9 per month. The value of the food concession allowed to the workers under the present arrangement is essentially a part of what we understand by dearness allowance, and the present amenity allowance is nothing but dearness allowance. Therefore, the dearness allowance, consisting of the amenity allowance and the value of the food concession, is something like Rs.28-2-9 or, roughly speaking Rs.28 per month. The minimum total emolument of the lowest paid manual worker, therefore, comes to Rs.18 *plus* Rs.28 or Rs.46 per month. The lowest claim put forward by the Unions in respect of the minimum total emolument of an unskilled manual worker is Rs.75 per month as against the present figure of Rs.46 per month. On behalf of the Indian Jute Mills' Association it has been conceded that some rise in the total minimum emolument is called for to meet the needs of the prevailing situation. To that end the Association has suggested that the scale of minimum basic wages in respect of an unskilled manual worker may be fixed at Rs.26 for a month of 26 working days or 208 working hours, which would work out to be a rate of 2 annas per hour. The Association has further suggested that there should be an increase in the standard of dearness allowance, consisting of amenity allowance and the value of food concession, which is being allowed at present. In other words the offer made by the Indian Jute Mills' Association is to the effect that the total minimum emolument of an unskilled manual worker should be roughly Rs.26 *plus* Rs.28 or Rs.54 per month as against the present scale of Rs.46 per month, a total rise of Rs.8 per month being allowed. Apart from other considerations which have been urged before us in support of the proposals made by the Association, it has been contended that the scale proposed compares very favourably with the standards which prevailed in or about the year 1939 prior to the War, when we are told, the total emolument of the lowest paid worker was in the neighbourhood of Rs.13 per month. Assuming that the level of prices in recent times is in the neighbourhood of 3½ times of the pre-war level, the scale of Rs.13 in 1939 would be equivalent to something like Rs 45 per month under the circumstances prevailing at present. It is further pointed out that the scale of total emolument proposed by the Association compares very favourably with the average income *per capita* in this country, which

is said to be below Rs.100 per annum. The average worker's family may be taken to consist of four persons, namely, the worker, his wife, and two children, who may be taken to be equivalent to three adults or consumption units, on the very widely accepted supposition that the wife constitutes ·8 unit and the two children together constitute 1·2 units. Taking the average income *per capita* in India to be Rs.100 per annum, the total yearly income of the family would be Rs.400, or the total monthly income would be in the neighbourhood of Rs.34. The contention of the Association is that the offer of Rs.54 per month, by way of minimum total emolument, compares very favourably with the result we have obtained on the basis of average income *per capita* of the inhabitants of this country. The Association has, therefore, urged that we should accept the offer and fix the minimum basic wages of an unskilled manual worker at Rs.26 per month and maintain the present scale of dearness allowance.

4(2). Janab Shafaatullah Khan, on behalf of the Bengal National Chamber of Labour, has contended that the minimum total emolument of Rs.13 per month for the lowest paid manual worker which prevailed before the war was totally insufficient for meeting the actual needs of the worker and his family. According to his calculation the cost of living of an adult constituting one consumption unit in or about 1939, on the basis of the barest necessaries of life exclusive of cost of housing, clothing, etc., would amount to Rs.4-10 per month, the details of which are on the following lines: Re.1 for 10 seers of rice, 12 annas 6 pies for 5 seers of *atta*, 12 annas 9 pies for a little over 2 seers of *dal*, 6 annas 6 pies for a little over 1½ seers of *gur*, 3 annas 6 pies for a little over 1 seer of mustard oil, 1 anna 9 pies for a little over 1 seer of salt, 8 annas for fuel and 8 annas for miscellaneous eatables per month. Janab Khan has arrived at the figure of Rs.4-10 per month as the cost of food and fuel per month per adult, and our impression is that this calculation leans rather on the conservative side.

4(3). The Unions have drawn our attention to paragraph 76 on pages 40-41 of Volume I of the Report of the Court of Enquiry presided over by Mr. Justice Rau, constituted to investigate the question of dearness allowance for railway employees. The relevant portions of the paragraph run as follows:—"In a pamphlet on 'Balanced Diets' (Pamphlet No. 8) issued by the Bombay Presidency Baby and Health Week Association in 1935 and described by Sir Robert McCarrison (the then Director of the Nutrition Research Laboratories in Coonoor) as accurate in detail and the best pamphlet of its kind he had ever seen, the authors estimate the minimum cost of a balanced diet (including fuel for cooking) in Bombay city at Rs.5 per adult per month. This was at the wholesale prices then current in Bombay and the above monthly cost is described by them as 'very nearly the minimum that can be attained in cities like Bombay' to maintain the worker 'in a fairly healthy condition,' which we assume to be the same thing as the cost of minimum subsistence. The early part of 1935, when the pamphlet was issued, was a comparatively cheap period in Bombay, when the cost of living index stood at 98 or 99. From the evidence given before us we find that wholesale prices are usually about 10 per cent. lower than retail prices, and a corresponding percentage must be added on this account. At the average pre-war retail prices, the figure works out to Rs.5-13. We have seen references to later estimates which place the cost at a higher figure; but assuming for the present that the minimum cost during the year immediately preceding the War was no more than Rs.5-13 per adult per month in Bombay, it follows that any income which left a worker of that city, having a normal family of 4 members to support equivalent to, say, 3 adults or consumption units, the father counting as one unit, the mother as ·8 unit and the 2 children together 1·2 units), less than about Rs.17-8 per month for food and fuel cannot be called

adequate, whether that income accrued to him as the result of the Manmad scale or the Chandwani scale or the revised scale. Dr. Ackroyd, the present Director of the Nutrition Research Laboratories, Coonoor, in his Health Bulletin No. 23 (1938 edition) prescribes a well-balanced and adequate diet whose cost works out to Rs.5 or Rs.6 per adult per month". The above calculations relate to a pre-war period, and the prevailing cost of living index at the time in question is said to be below 100. Although these calculations relate to the Bombay area, looking at the cost of living index figure prevailing at that time in that area we feel disposed to use these figures for our purposes with reference to our present issue in respect of the workmen in the Jute Textile Industry in the Calcutta Industrial area. It is noticeable that the minimum cost of a balanced diet including fuel was calculated to be Rs.5 per adult per month or rather Rs.5-13 per adult per month during the pre-war period. Dr. Ackroyd, who is accepted to be an authority on the subject of nutrition, has calculated that a well-balanced and adequate diet would cost, in pre-war days, about Rs.5 or Rs.6 per adult per month. During the hearing before us, Janab Shafaatullah Khan submitted calculations which would put the minimum cost of a bare diet including fuel at Rs.4-10 per adult per month. Janab Khan's calculation is not inconsistent with the above calculation in respect of a well-balanced and adequate diet. On the whole we are of opinion that it will be fair and safe to proceed on the figure of Rs.5 per month as the minimum cost of a proper diet including fuel for an adult in the pre-war period, say, in the year 1939.

4(4). With reference to this figure of Rs.5 per adult per month we may now proceed to calculate the total cost of living of an average manual worker's family. On page 15 of Dr. A. C. Roy Choudhury's Report on an Enquiry into the Standard of Living of Jute Mill Workers in Bengal (1930) in Table II under the wage group of Rs.20 and below Rs.30 which is relevant for our purposes, we find that it was found on investigation that the cost of food constituted 64·8 per cent. of the total cost of living, and the cost of fuel and lighting was to the extent of 7·9 per cent. of the total. Taking 3·2 per cent. to be the cost of fuel alone, the cost of food and fuel would be 68 per cent. We have come to the conclusion that the starting point of our calculation should be Rs.5 per month per adult as the cost of food and fuel. The total cost of food and fuel for a worker's family consisting of himself, his wife and two children, equivalent to 3 consumption units, would be Rs.15 per month. As this would constitute 68 per cent. of the total cost of living, the latter would work out to be Rs 22-1 per month. Roughly speaking the pre-war cost of living of an average worker's family may be taken to be Rs.22 per month. Now comes the question of the degree of rise in the cost of living at the present time. Some figures of cost of living, presumably prepared by statisticians, have reached us. But in this Province there are no recognised statistical authorities whose calculations in respect of cost of living index figures are accepted universally, and we find that the circumstances here are quite different from those prevailing in Bombay, where the cost of living index figures prepared by fully recognised authorities are universally accepted. With great respect to the authors of the different figures of cost of living index which we have come across, we find ourselves unable to accept these figures exactly at their face value, and we feel that some allowance must necessarily be made for inaccuracies which may have crept into these calculations. We notice that at the present moment there is an upward trend in the cost of living index figures. The question is what should be taken as the cost of living index figure for manual workers, say about the middle of the year 1948, for practical purposes. In spite of the upward trend of the cost of living index figures at the present moment, we consider it reasonable to fix our attention on a figure which may be expected to

something like an average figure for some time before and some time after the present moment. On giving careful thought to the whole question, we have come to the conclusion that the cost of living index figure for manual workers, for our present purposes, may be taken as 325. Taking the base as 100 in 1939 we may now calculate the total cost of living for an average worker's family on the basis of Rs.22 per month. The cost being 3¼ times the pre-war cost, the total cost of living under present conditions would work out to be Rs.71-8, or roughly Rs.71, as against the present total emolument of Rs.46 per month for the lowest paid manual worker in the industry. This would indicate a gap of Rs.25 per month.

465. The next question is whether we shall decide to fill up this gap wholly or in part, and, if the latter, to what extent. The Indian Jute Mills Association has proposed that this gap should be filled only to the extent of Rs 8 by way of adding that amount to the existing minimum basic wages of Rs.18, and the Association has suggested that there should be no addition to the existing scale of dearness allowance inclusive of the value of food concessions. On the other hand we have to apply our minds to the question of allowing what is called a "living wage" to every worker, and to that end it will be necessary to examine carefully how far we can go towards the target of Rs.71 as the total monthly emolument for the lowest paid manual worker. In this connection it will be pertinent to refer to certain observations made in paragraphs 48 and 49 on pages 30-32 of the Report of the Central Pay Commission (1947) which runs as follows:—"Certain writers who have discussed the subject have held that on the pre-war level of prices, Rs.30 per mensem would have represented the standard minimum required by a working class family of three consumption units in certain parts of India. In other parts of the country where climatic conditions are milder throughout the year, the amount might be somewhat smaller (*see* Dr. Radhakamal Mookerjee's 'Indian Working Class', pages 161-172, where several relevant data and opinions have been collected). The calculation is, however, largely hypothetical. The application of the minimum wage rule has always been recognised to be subject to limitations imposed by the general economy of the country. It may be applied to correct inequalities in the distribution system but not in disregard of the total production capacity of the country or without reference to the national income. *** *** ***" In the words of the authors of the Bombay Plan, "no system of distribution however meticulously framed will help to raise the standard of living unless production is increased." How many of India's millions can to-day aspire to a physiologically adequate diet? Nutrition and health standards are affected both by the size and by the distribution of the total national income. Hence nutrition standards can be improved only by improvement of the total national income simultaneously with the adoption of policies tending towards its redistribution in favour of lower income classes. (*See* Worker's Nutrition and the Social Policy, I.L.O. 1936, page 114). *** *** *** We are convinced that the State must now take some step forward in the direction of giving effect to the "living wage" principle in dealing with its employees. The question is, to what extent. What the Bombay Plan lays down for industry is a counsel that the State also cannot afford to ignore, viz., that in the initial stages, the minimum wages should be related to the normal wage level prevailing in the country, but it must be revised from time to time till it corresponds with a reasonable standard of living. Dr Mookerjee cites Sir John Orr to show that even in Great Britain there are marked deficiencies between current wages and the standards of the minimum wage, and he recommends that in India a cautious beginning should be made in laying down minimum wage standards. The "standard of living" like the "poverty line" is to a large extent a "relative"

conception. It reflects national conceptions and these are, in turn, shaped by the national income. The poverty line may be drawn at the point below which an individual would be undernourished or it may be drawn well above the nutritional minimum, at a point where a choice of diet and the chance of some cultural life or recreation will also be possible. We think that at present we can only aspire to rise above the "poverty line" in the first sense. According to recent calculations, the annual *per capita* income in India, even during the most favourable periods, has been much below Rs.100. Anything like a general advancement of the remuneration rates of the public services must depend upon the general increase in public wealth (*see* Gladden "The Civil Services, its problems and future" 1945, page 133). The power of a family to live up to a certain level of nutrition may be secured not only by improving its money income but also by increasing the purchasing power of the money it gets. The latter method of helping the earner will involve steps to secure (1) increase of production, and (2) control of prices. The State must adopt both these methods ("Workers Nutrition and the Social Policy", I.L.O. pamphlet, 1936, page 107). Further, the purchasing power of the worker's income, such as it is, can be improved by the extension of co-operation in the sphere of sale and purchase, as that will reduce the price demanded from the purchaser and further secure to him refund of the surplus in the shape of a share of the profits. *** *** *** Dr. Gadgil was one of the members of a Committee appointed to enquire into the conditions of textile workers in Bombay. It will be interesting to know what he has to say about it. While recognising the importance of bringing about as much improvement as possible in the remuneration paid to the lowest grades of employees he adds "The main limiting consideration here is that of the financial resources of Government. It is hardly likely that a living wage of the type defined by the Bombay Textile Labour Enquiry Committee can immediately be granted to all Government employees." Referring to the Bombay Committee Report he said, "We had been asked to define 'living wage' and we have defined 'living wage' in certain objective terms; but there is no recommendation of any minimum or anything like that. The necessity of complying with a theoretical definition of 'living wage' cannot transcend financial limitations." He added that he could not agree with those who held that the minimum wage could not wait until the national income improved. *** *** ***. The Chief Commissioner of Labour recognised that the amelioration in the condition of poorly paid employees could only be attained by stages with the progressive increase in national income. We may next refer to the observations made by Dr. Radhakamal Mukherjee, on pages 215-16 of "The Indian Working Class" (Second Edition), which run as follows: "There is nothing very unusual in such a wide gap between the standard of the minimum wage and current wages. For even in Great Britain where the average wage of industrial workers is 15 to 20 times greater than the industrial wage in India, Sir John Orr's well-known investigation has shown the marked deficiencies in terms of the norms for a considerable proportion of the British working class. Thus in India a cautious but systematic beginning has to be made in laying down minimum wage standards. This can be best done in the following manner —

> By grading the wage regulations gently so as to prevent abrupt change of economic conditions. The Indian Minimum Wage Act may fix a general minimum of Rs.20 per month for its first year, Rs.21 in the second year, and so on until at the end of ten years the norm is to become Rs.30."

4(6). We agree generally with the principles involved in the observations quoted above, and we are of opinion that the progress towards the desirable target should be by gradual stages. There should not be a

great a gap between the standard of minimum wages fixed in a particular industry and the current level of wages in the locality and the industry should be given a proper chance to adjust and assimilate the new financial burdens imposed on it before any further burdens can properly be laid on it. The steps taken should be cautious in so far as it is necessary to maintain the existence and prosperity of the industry and its constituent units and it is not desirable to make labour too costly so as to produce a tendency for adjustment by way of retrenchment which would be a phenomenon eventually leading to conditions of unemployment. In the interest of both the industry and the working population we feel anxious to take such steps in the matter of fixation of minimum basic wages and dearness allowance as would not be ultimately harmful to either. The Jute Textile Industry, as we have already said, is the premier industry in West Bengal and we are bound to realise that our directions in this award may have far reaching effects on the entire economy of the Province. We can hardly fail to understand that the Jute Textile Industry cannot be compared with any other industry, such as, the Cotton Textile Industry, the Sugar Industry or the Steel Industry. Apart from other considerations the position is that the products of most other industries in this country have their markets within the country, while the products of the Jute Textile Industry have to find markets mostly in foreign countries. Jute goods manufactured here must compete with those manufactured abroad and also with possible substitutes like paper or cloth bags. The partition of the country has clearly led to various complications, financial and otherwise, with regard to the availability of raw jute. It is obvious, therefore, that various adjustments have got to be made before one can feel like treading on firm and solid ground. We are anxious to see that capital invested in the Jute Textile Industry, both foreign and indigenous, does not feel nervous and does not think of migrating out of West Bengal, and to see the entire industry and all its constituent units maintaining a comfortable existence and prospering not only in their own interest but also simultaneously in the interest of the working population and of the people generally in this part of the country. At this stage, therefore, the question arises as to the extent to which the industry and its component units will be able to bear the extra burden. Sri M. P. Birla, Chairman of the Indian Jute Mills' Association, in course of his address before this Tribunal, presented a statement showing the profits which accrued to the industry during the years 1933 to 1947. We notice that the figures submitted to us, which are said to represent 90 per cent. of the Association on loomage basis, do not quite tally with the figures of profits made by the industry during the period 1928 to 1942 as shown on page 5 of Sri S. R. Deshpande's Report on Enquiry into Conditions of Labour in the Jute Mill Industry in India. Even then, from a general examination of the standard of profits already made during some of the past years, and on the basis of a general idea about the probable standard of profits which may be made now or in the future, we think it will be correct to say that the profits cannot be regarded as abnormal and the resources of the industry can by no means be said to be unlimited The question of capacity of the industry and its constituent units, therefore, pre-eminently arises for our consideration just in the same way as in other cases of ordinary concerns. We have fully taken into consideration the standard of profits made available to us by the Chairman of the Association or by Sri Deshpande's Report, and we have done certain calculations for our own satisfaction. It has to be remembered that the standard of minimum basic wages and of dearness allowance which we shall fix will constitute the very foundation of the entire wage structure which we shall build in connection with certain other issues. In fixing this standard it will be necessary to bear in mind the other extra burdens which we shall impose in connection with other different issues

relating to various amenities. It will be found in later portions of this award that we have imposed some extra burdens on the employers in the industry by way of providing for payments for periods of involuntary unemployment, improving the rules of leave and holidays to some extent, directing the establishment of cheap canteens, rest shelters, welfare or recreation centres, in practically all the jute mills and the establishment of creches in appropriate mills, and the improvement of medical facilities and educational facilities to some extent, and providing for benefits of provident fund and gratuity. It may be presumed that some further burdens are likely to be imposed on the employers in the direction of better educational facilities and also by the operation of the Employees' State Insurance Act. We have been unable to give any directions at the present stage regarding housing and house allowance, but it is not unlikely that some fresh burdens will be imposed on the employers with regard to this matter. We have left the question of profit-sharing bonus open in the absence of adequate data, but it is not unlikely that some fresh burdens in this direction may be imposed on comparatively prosperous concerns. Bearing all these things in mind and taking due notice of the principle of making progress towards the desirable target by gradual steps and not in a sudden jump, we have to consider how far we can go from the starting point of Rs.46 as the present minimum total emolument of the lowest paid manual worker towards the target of Rs.71 which we have found above. It is noticeable that the present rate of minimum emolument of a menial employee under the Government of West Bengal is Rs.51 per month, with an additional allowance of Rs.4 for an employee in the city of Calcutta. The gap of Rs.25 is not inconsiderable under the circumstances, and after giving our most anxious and careful consideration to all the factors which should be borne in mind in the interest of all concerned, we have decided to fix the minimum total remuneration at Rs.58-8 per month. This will mean a rise of Rs.12-8 per month in the emolument of the lowest paid manual worker. This standard of rise will permeate throughout the wage structure, as will appear in our award relating to the succeeding issues.

4(7). The next question is how we shall distribute the total emolument of Rs.58-8 between the basic wages and the dearness allowance. The Indian Jute Mills' Association has suggested only a rise of Rs.8 in the standard of basic wages, so that the new standard of minimum basic wages may be fixed at Rs.26 per month. Our decision means that there will be a further rise of Rs.4-8 per month. The question is whether we shall distribute this extra amount of Rs.4-8 between the two items or divert it to one of them. In this connection we may take into consideration the existing standard of disparity between the minimum basic wages of Rs.18 and the dearness allowance of Rs.28. The existing dearness allowance is considerably greater than the existing minimum basic wages, and the ratio between the basic wages and the dearness allowance is roughly in the neighbourhood of 125:200. We think that in view of the standard of rise in the cost of living index figures in recent years, the dearness allowance should continue to be greater than the minimum basic wages. If we fix the new minimum basic wages at Rs.26, the dearness allowance should be Rs.32-8. The ratio between the basic wages and the dearness allowance in that case would be roughly in the neighbourhood of 145:180. We think this is a fair distribution of the total emolument between the two items. Apart from this consideration, we have had to bring the case of Prabartak Jute Mills under Issue No. 29 into our calculations. We have come to the conclusion that the minimum basic wages in respect of manual workers should be the same in all the mills including the Prabartak Jute Mills which is a very small unit, and whatever consideration we may be able to make in favour of the

Prabartak Jute Mills should be in the sphere of dearness allowance and not in that of minimum basic wages. In view of all these factors we have come to the conclusion that the minimum basic wages for the unskilled manual worker should be fixed at Rs.26 per month consisting of 4½ weeks or 208 working hours, and these wages should be linked with attendance. We, therefore, direct that the minimum basic wages for the manual workers be fixed at Rs.26 per month. It may be noted that the minimum total emolument of Rs.58-8 is greater than the minimum total emolument of Rs.55, as fixed for the lowest-paid manual worker by the Central Pay Commission. It may be further noted that with regard to the lowest paid manual worker, apart from the expenditure on various other amenities which we have imposed or which may be imposed on the employers in the near future, the cash burden imposed on an employer amounts to Rs.26 as minimum basic wages plus Rs.32-8 as dearness allowance plus Rs.1-10 as employer's contribution to the provident fund, which give a total of Rs.60-2 per month, which we consider to be a satisfactory figure in view of all the circumstances considered together. We have thus laid the first mile-stone which is a considerable way forward on the path of progress, and we leave the rest of the path to be covered by a few more mile-stones to be laid in the future by way of conciliation or adjudication or through any other machinery.

468). The other portion of the minimum total emolument amounting to Rs.32-8 per month constitutes the minimum scale of dearness allowance. The question as to how this amount will be distributed between the dearness allowance proper and the value of the food concessions allowed will be considered in due course under Issue No. 6. Other questions relating to dearness allowance will also be considered under that issue.

469). We next proceed to consider what should be the minimum basic wages for clerks or clerical workers. It will be found from the Report of the Central Pay Commission that that body fixed the minimum basic wages of a clerical worker, who is ordinarily a literate person of some education if not of high education, at Rs.55 per month. We understand that the existing minimum scale of wages for clerical workers in the jute mills is ordinarily Rs.40 per month. We find from the written statement submitted to us by the Bansberia Mill Employees' Union in connection with the Ganges Manufacturing Company, Ltd., Bansberia, that the basic wages of the lowest paid clerical worker in that concern is Rs.27 per month. It will be found in later portions of our award that we are fixing a flat rate of dearness allowance at Rs.32-8 per month inclusive of the value of food concessions, and with regard to dearness allowance we are not adopting any sliding scale depending on varying cost of living index figures or on ranges of wages. So the minimum total emolument, on the basis of minimum basic wages to the extent of Rs.55 would be Rs.87-8. We are of opinion that under prevailing conditions of life, a literate clerical worker belonging to the middle class of society may reasonably claim this standard of minimum emolument. We, therefore, direct that the minimum basic wages for clerks or clerical workers shall be Rs.55 per month. This direction in respect of clerical workers, however, will not apply to the case of Prabartak Jute Mills which we shall, in due course, deal with under Issue No. 29.

ISSUE No. 4.—Revision of piece-rates.

470). We now take up the question of revision of piece-rates under Issue No. 4. It will appear from the scheme of occupational nomenclature as per Appendix IV, under Issue No. 2 that several categories of workers are

paid wages at piece-rates, some of them being paid both at piece-rates an at time rates. The purpose of the present issue is to consider whether the existing piece rates in respect of the appropriate categories of workmen in the different departments of a jute mill should be revised, and if so on what lines. In so far as we have increased the minimum basic wages under Issue No. 3, it is inevitable that both the piece rates and time rates will have to undergo alteration in favour of the workmen. The subject of revision of piece rates bristles with a variety of technical complexities. For instance, the determination of piece rates for workmen in the Weaving Department involves consideration of various factors, such as the width of the cloth produced, the width of the loom used, the variations as regards porter and shots, the weight of the cloth produced, etc. In handling a matter like this, we would naturally like to be assisted by technical assessors. As we have already indicated elsewhere, the unfortunate position was that the appointment of technical assessors could not be agreed to by all parties concerned, though the Indian Jute Mills' Association was keen about such appointment in the beginning, and we also wished, in the interest of all concerned, to make such appointment. Eventually, no appointment of technical assessors could be made in the absence of any agreement on the subject. Towards the end of the proceedings the representatives of the Unions appeared to feel that it would have been better to appoint technical assessors. It was, however, too late at that time, and as it appeared that the appointment of technical assessors at that late stage might involve a further delay of several months, the idea of appointing technical assessors was not seriously entertained and the only alternative for us was to proceed on the basis of such materials as might be made available to us by the Indian Jute Mills' Association and the representatives of the Unions. We have been anxious to make a start as regards standardisation of wages not only for time-rate workers but also for piece-rate workers. We asked the Indian Jute Mills' Association to submit, with the help of the Assoociation's technical experts, schemes of revision of piece-rates by way of standardisation, and gave the Association substantial time for that purpose. The Association submitted schemes in respect of different categories of piece-rate workers by instalments, and copies of these were made over to the representatives of the different Unions, who got ample opportunity of scrutinising them and then we heard all the parties concerned with regard to the minute details. We found that the standards of piece-rates would depend intrinsically on the average standards of production, and it was necessary to scrutinise the Association's schemes with reference to the latter. We asked the Association and also the Unions to furnish us with figures relating to the average standards of production in respect of the different categories of piece-rate workers. Eventually, it was agreed that the Association would furnish these figures in respect of seven representative jute mills of different groups of managing agents, and the Association submitted figures of average production. Apart from the hearing of the different matters arising out of the schemes submitted by the Association, in the presence of all the parties, we have done certain calculations on our own behalf, and tested the Association's schemes on the basis of the figures relating to current average standards of production and of the figures of standardised basic wages determined by us in respect of the categories concerned as per Appendix VI under Issue No. 5. We have taken care to see that a piece-rate worker, working with diligence and efficiency and maintaining the average standard of production, does not earn less than the standard of basic wages which we have indicated in Appendix VI under Issue No. 5. In carrying out this scrutiny, we have made alterations in the schemes submitted by the Association in respect

of some of the particulars, while in respect of other particulars we have been satisfied that the standards of piece-rates incorporated in the Association's schemes are correct and fair and we have accordingly adopted them.

(51). At a very late stage of the proceedings, the spokesman of one of the Unions raised the contention that the issue under consideration did not involve standardisation of piece-rates. We may state at once that when we framed the issue under the heading "Revision of piece-rates", standardisation was at the back of the mind of every one concerned. Of course the practicability of such standardisation would have to be considered after hearing all the parties concerned. We have been aiming at standardisation of wage rates, wherever practicable, throughout the proceedings, and after being furnished with certain materials and after hearing the parties concerned we have come to the conclusion that it is practicable to make a start as regards standardisation of piece-rates, and that is the way in which we propose to make a revision of the existing piece-rates. In the absence of expert assistance, we cannot indeed say that the schemes of standardisation of piece-rates adopted by us must necessarily be perfect, but we are satisfied that these are workable schemes with which we can make a start which is so desirable.

(52). Before we proceed to set forth the schemes of standardisation of piece-rates with regard to different categories of workers attached to the different departments of a jute mill, it may be useful at this stage to give some short comments regarding the manner in which we have dealt with the schemes submitted by the Indian Jute Mills' Association, and the items in respect of which we have made certain alterations. In setting forth the schemes relating to piece-rates we have followed the arrangement of the departments as shown in the list of occupational nomenclature in Appendix V under Issue No. 2. In the Batching Department, we have maintained the rate suggested by the Association as regards cutting bale openers and selectors. We have agreed to the same rate for these two categories, although selectors appear to be workers of higher skill, inasmuch as the output of selectors is greater than that of cutting bale openers. As regards the Winding Department, we have adopted the Association's scheme as regards reelers after scrutinising the figures. As regards hessian warp winders we have changed the Association's figure of 3·9 annas per 100 lbs. to 4·2 annas. Similarly, as regards sacking warp winders including dyed yarn winders, we have changed the figure of 3·5 annas per 100 lbs. to 3·6 annas. As regards bundlers, hessian weft winders and sacking weft winders, we have maintained the Association's figures after scrutiny. We have not thought fit to direct any abolition of dyed yarn winders at the present stage, as we find that generally speaking piece-rates are more advantageous for diligent and efficient workers. In the Beaming Department, work is done collectively by the first beamer and other beamers, and the total earnings per machine are divided among the workers, who are generally four and sometimes three in number. On scrutiny we find that the Association's figures with regard to beamers are acceptable, but for slight mistakes which have been corrected. The rate for hessian beaming is 12·5 annas and not 13 annas per 1,000 yards of 400 threads and the rate for sacking beaming is 10·83 annas and not 10·625 annas per 1,000 yards of 400 threads. As regards the Association's figures relating to the Weaving Department, we have made some slight alterations in the rates in consequence of our scrutiny. As regards hessian weaving, we find from the figures of standard production supplied to us by the Association, that the current average standard production is 8·42 cuts of 100 yards laid (94 yards finished), and not 8·64 cuts as previously suggested by the Association. We have co-ordinated the piece-rates with the standard of

basic wages for hessian weavers as shown in Appendix VI under Issue No. 5, and we have come to the conclusion that the rates for the standard fabric for looms of different reed spaces, as suggested by the Association, should be altered. We have accordingly raised the rates of 19·00, 19·85, 20·73, 23·41, 27·40, 33·25 annas per cut to 19;48, 20;37, 21·25, 24·00, 28·00, 34·00 annas per cut respectively. In other respects we have maintained the scheme submitted by the Association. Similarly with regard to the sacking weaving piece-rates (plains), we find from the figures submitted to us by the Association that the current average standard of production is 13·7 cuts and not 13·9 cuts per week. On the basis indicated we have changed the proposed rate of 13·22 annas per cut to 13·41 annas per cut. In other respects we have maintained the Association's scheme regarding sacking weaving piece-rates (plains). As regards sacking weaving piece-rates (twills) we have adopted the same piece-rate as in the case of sacking weaving (plains). In other respects we have maintained the scheme regarding sacking weaving piece-rates (twills) submitted by the Association. As regards hessian and sacking line sardars, no scales of piece-rates need be determined separately as piece-rates applicable to line sardars will depend on a certain percentage of the wages earned by the weavers on the basis of the rates fixed by us. As regards the Finishing Department, piece-rates apply to lapping machine feeders and lapping machine receivers. We do not think there is any sufficient ground for abolishing the system of piece-rates along with time-rates in respect of these categories of workers at the present stage. On scrutinising the figures we have decided to maintain the schemes of piece-rates in respect of lapping machine feeder and lapping machine receivers, as submitted by the Association. Coming to the Sewing Department, we note that in course of the hearing all parties concerned have agreed that helpers as piece-rate workers may be abolished, and this category of workers may be maintained only as time-rate workers. We are of opinion that in consideration of the kind of work done by these helpers in the Sewing Department, there is no need to retain them as piece-rate workers, inasmuch as they are merely coolies and they may very well be paid on the same scale as ordinary coolies on the time-rate basis. We, therefore, direct that the system of helpers as piece-rate workers be abolished, wherever it may exist at present. As regards sewing machine operatives including spliced bag joiners, hemming machine operatives and hand sewers (which expression will include darners and cornering and bundling workers) we have decided, on scrutiny, to adopt the scales of piece-rates proposed by the Association. As regards the Packing Department, piece-rates apply to first pressmen and pressmen, the system being that a group consisting normally of four pressmen including a first pressman works collectively at one machine, and the first pressman usually gets one rupee or so more per week than the other pressmen. On scrutiny we have decided to adopt the schemes of piece-rates proposed by the Association in respect of pressmen including first pressmen.

5(3). Subject to our directions with regard to piece-rates in respect of the Prabartak Jute Mills under Issue No. 29, we direct that the scheme of piece-rates in the various departments as incorporated in Appendix V under the present issue shall apply to all the jute mills involved in the reference.

ISSUE No. 5.—Grades of Wages for Manual Workers and Clerks.

6. We next pass on to consider Issue No. 5 relating to grades of wages for manual workers and clerks. Although the issue speaks of grades of wages, its real purport is standardisation of wages in respect of both manual workers and clerical workers. The expression "grades" has been used in

the issue in so far as the Unions representing the workers have pressed for time-scale grades for both manual and clerical workers on the basis of standardisation of wages. Having regard to what we have already said in paragraph 1(11) in the preliminary portion of our award and in paragraph 4(1) under Issue No. 3 relating to Minimum Basic Wages, with reference to the observations of the Royal Commission on Labour in India on pages 215-16 of its Report, we have no doubt that schemes of standardisation of wages should be introduced as far as practicable. The only question is how far we can proceed in the matter of standardisation of wages with regard to different categories of manual workers and also the various types of clerical workers. As regards the manual workers we have not unfortunately been furnished with sufficient data regarding the categories of workers other than those who work in connection with the different processes in the jute textile factory proper including the jute handling department, that is to say, in the departments of Batching, Preparing, Spinning, Winding, Beaming, Weaving, Finishing, Sewing, Packing and Jute Handling. With regard to workers like mill *mistris*, factory *mistris*, workers in the General Workshop, members of the boilers and engine room staff, durwans, Gurkha durwans, members of crews of cargo boats, ferry boats and launches, drivers and cleaners of lorries and cars, we find that the rates of wages vary very widely from mill to mill, and we have not been furnished by any of the parties with adequate data on the subject of average wages. In the absence of proper data and in the light of the very wide variations prevailing, we have not been able to arrive at any schemes of standardisation with regard to these categories of manual workers. We shall, therefore, content ourselves with a scheme of increment in wages with regard to them and this scheme we shall give in due course in a later portion of our award under the present issue. With regard to manual workers in the departments of jute textile factory proper, which we have mentioned above, we have of course decided to introduce a scheme of standardisation.

66(1). The Unions have asked for fixation of time-scale grades for such manual workers. We have given our careful thought to the whole question and have not been able to reconcile ourselves to any idea of fixing time-scale grades for the manual workers referred to. We notice that no time-scale grades for manual workers in the Bombay Cotton Textile Industry have been fixed by the Tribunal concerned. It has not been brought to our notice that time-scale grades with regard to manual workers exist in any comparable industry. In this connection it may be pertinent to refer to the award of Sri K. B. Wassoodew (Retired Judge, High Court) in the matter of the trade dispute between the Mazagaon Dock, Ltd., Bombay, and its employees, as published on page 1721 of the *Bombay Government Gazette*, dated May 23, 1946. The learned Adjudicator observes in paragraph 15 of the award as follows: "The advantage of having a well graded time-scale with efficiency bar after certain wage levels have been reached, cannot be denied. That conduces to better efficiency and higher standard of work and there is greater incentive to gain skill for obtaining promotion. An automatic rise in wage rates on a pure time-scale basis after a certain period is, in my opinion, harmful both to the employer and to the employee." We may also refer to the award of Dewan Bahadur D. G. Kamerkar, in the matter of the trade dispute between the Cooper Engineering, Ltd., Satara Road, and its employees, as publised on page 3661 of the *Bombay Government Gazette*, dated December 12, 1946. In paragraph 6 of the award the learned Adjudicator observes as follows: "The first point for determination is whether there should be scales of wages for all categories of workers and, if so, what. The workers insist on a time-scale being fixed providing for a minimum basic wage and the maximum, with certain stated annual increments between the two. The Company declines on the ground that it is neither feasible nor practicable to fix up any time-scale of wages,

as the Company is not certain as to what the future prospects of the Engineering Industry can be in the post-war period. It contends that it cannot make any financial commitments without any certain basis for ascertaining whether such additional expenditure can be borne with safety to the sound working of the concern in the years in which such increments might fall due. On a consideration of the grounds urged on either side, I answer this point in the negative. I am much impressed with the argument that in private industrial enterprises automatic promotions by stages are not advisable as such enterprises stand or fall with the efficiency of their workers and efficiency does not necessarily increase among workers with the amount or period of work they put in." We agree generally with the spirit of the observations quoted. In our present case, the Indian Jute Mills' Association has opposed the idea of introduction of time-scale grades for manual workers. After giving careful consideration to all aspects of the question of time-scale grades, in the light of what we have heard during the arguments on both sides and of what we have personally observed with regard to the nature of the work of the different operatives in course of our inspections of some of the jute mills, we do not feel satisfied that the quality of work of an operative, in respect of his skill or practical knowledge or his capacity to apply himself mentally or physically or to exercise responsibility or to bear mental or physical strain, necessarily increases with the progress of time spent in service. Looking at the matter from this point of view and from other angles which should be taken into consideration, we have come to the conclusion that time-scale grades of wages would not be suitable in respect of the manual workers employed in the jute textile factory.

6(2). The question therefore is on what lines we should fix the scale of wages for the different types of manual workers pursuing different occupations. We have already specified the different occupations in the scheme of standardised occupational nomenclature as per Appendix I under Issue No. 2. It is necessary now to consider the basis on which we may fix the standards of basic wages in respect of the different types of workers pursuing these different occupations. We have already determined the minimum basic wages to be Rs.26, as per our award under Issue No. 3. Any scheme of determination of standards of wages in respect of the different types of workers must be based on the minimum basic wages thus determined. With regard to the question of laying down a scheme of standards of wages in respect of the different types of manual workers, we have felt that the appointment of technical assessors was essential. We need not dilate here on the circumstances under which such appointment could not be made, as we have already referred to that subject more than once. The question has arisen as to the manner in which we should differentiate between one type of worker and another in order to determine the difference between the scale of wages appertaining to one type and that applicable to another. In the light of what we have heard in course of the arguments and what we have personally observed in the mills in course of our inspections, we appreciate the position that the difference between the scales of wages applicable to one type of workers and another should depend on the difference between the amounts of skill or practical knowledge, the mental and physical application and attention required, the responsibility and the mental and physical strain involved and other factors which come into play in the actual carrying out of the occupations concerned. In so far as we have not had the advantage of being assisted by the advice of technical assessors we were called upon to apply our own judgment to the question and come to a decision. On the side of the Indian Jute Mills' Association it has been argued that the existing differentials in respect of the varying scales of wages applicable to the different types of workers should be maintained. The Association has submitted statements showing the minimum standard

the maximum standard, and the average standard of wages applicable to each type of worker. The standards of wages vary from mill to mill, but it has been possible to evolve something like an average standard out of the ranges of wages between the minimum and the maximum. The representatives of the Unions have not furnished any separate statements relating to the existing state of things. We have already indicated that it is not practicable to consider the proposed time-scale grades which the Unions incorporated in certain statements presented to us. In the absence of other relevant materials, we have applied our minds to the question as to whether we can adopt the existing differentials, as incorporated in the Association's statements with some modifications, where necessary. At this stage we may state briefly how these differentials have been arrived at. The Association has calculated a figure of existing average wages with regard to each type of worker. From this figure an amount of Rs.17·71 representing the present minimum basic wages (which has been taken to be roughly Rs.18 in connection with Issue No. 3) has been deducted, and the result has been shown as the existing differential applicable to the particular occupation. If the existing differential is maintained, all that is necessary is to add the differential in a particular case to the figure of Rs.26 which we have determined to be the new minimum basic wages as per our award under Issue No. 3. In this way standards of basic wages in respect of the different types of occupations have been arrived at. The question before us is whether there is sufficient justification for adopting the existing differentials arrived at in this manner as proper guides for determining the differences between the scales of wages which should be applicable to the different types of occupations. We realise that a policy of adoption of the existing differentials arrived at in the manner aforesaid is not an ideal policy to adopt. But, as matters stand, under the present circumstances, we must proceed to evolve a scheme of standardisation of wages even with the inadequate materials placed at our disposal. The existing differentials have come into being as the result of various factors, economic and otherwise, which have come into play through a number of years, and behind these differentials there are elements of some sort of a historical background. In that view of the matter, the idea of adopting these differentials cannot be entirely thrown out of consideration. In the absence of any better materials, the representatives of the Unions also, in the concluding stages of the proceedings, were anxious to see that a scheme of standardisation was arrived at even on the basis of the existing differentials. We have accordingly come to the conclusion that we should adopt, for our present purposes, these figures of existing differentials with slight modifications, where necessary. The scheme of standardisation of basic wages applicable to the manual workers in the departments of Batching, Preparing, Spinning, Winding, Beaming, Weaving, Finishing, Sewing, Packing and Jute Handling, which we have decided upon, is set forth in Appendix VI under the present issue. In formulating this scheme we have adopted the existing differentials shown in the statements submitted by the Indian Jute Mills' Association, with slight modifications, where necessary. We have arrived at figures of basic wages in respect of the different types of workers in the different departments, in terms of rupees per month consisting of 1⅛ weeks or 208 working hours, by pursuing a process of rounding off so as to make each figure correspond to a rate expressed in annas and whole pies per hour. In doing so we have arrived at figures of rupees with decimal fractions which may be converted into rupees, annas and pies as may be necessary.

(63) It is probable that the standards of basic wages which we have determined with regard to the abovementioned manual workers may have the effect of reducing the existing standards of wages which some workers are now receiving in some individual mills, or, in other words, the standards determined may be lower than the maximum standards of wages which are

now being paid in some individual cases. We have applied our minds to the question as to whether we should allow reductions in the scales of wages to take place in cases of this character. It may be that a policy of maintaining such higher levels of wages existing at present would not be quite consistent with a policy of absolute standardisation. On giving our most anxious consideration to the whole subject, we have come to the conclusion that, in the prevailing circumstances, no reductions should be allowed to take place. In this connection we may usefully refer to the observations made by Issacs J. in a decision reported in the case King re. Whyprow and Co. and others, 11 Commonwealth Law Reports (1910-11), page 1 at page 61. The learned Judge makes following observations: "The Court has no greater jurisdiction to award a higher wage than was asked, than it has to reduce wages below what were actually in dispute. There is nothing in the world to prevent employers and employees from making their respective demands as wide as they please; but then they choose to select one particular limited demand as the subject or point of dispute, and refer that to the Court, then that is what the Court has to decide. It may be anything between the maximum and the minimum limits of the dispute, but it can pass neither further forward than the maximum nor further back than the minimum." We agree generally with the principle enunciated in these observations, and we have decided that no reductions in respect of the existing scales of wages should be allowed to take place by virtue of the scheme of standardisation which we have set forth in Appendix VI under the present issue.

6(4). With regard to the manual workers in the different departments mentioned in Appendix VI, we give the following directions. Subject to our directions with regard to the basic wages of manual workers in the Prabartak Jute Mills under Issue No. 29, we direct that the scheme of basic wages as per Appendix VI shall apply to the workers concerned in the jute mills involved in this reference. This direction, however, shall be subject to the proviso that in no case should the existing standard of basic wages in respect of a particular worker or category of workers in any particular mill be reduced by virtue of application of the scheme. In other words we direct that in any particular case where the scheme set forth by us may have the effect of reducing the existing scale of basic wages, such existing scale shall be maintained. In a particular case where the existing scale of basic wages happens to be greater than the standardised scale determined by us the amount of excess of the existing scale over the standardised scale may be called "additional basic wages" in respect of the individual worker concerned. Such "additional basic wages" shall count as "basic wages" for all purposes, such as, provident fund, gratuity, leave, payment for involuntary unemployment, etc. We further direct that where there is a combination of standardised occupations in respect of one worker, the basic wages applicable to the highest paid occupation shall be paid to him

6(5). We may now take up the case of manual workers other than the types of workers mentioned in Appendix VI. Such manual workers are mill mistris, factory mistris, workers in the General Workshop, members of the boilers and engine room staff, durwans, Gurkha durwans, members of crew of cargo boats, ferry boats and launches, drivers and cleaners of lorries and cars. The different types of workers under these categories have been set forth in Appendix IV under Issue No. 2 showing the scheme of standardised occupational nomenclature which we have determined. As we have already indicated, it has not been practicable for us to arrive at any scheme of standardisation of basic wages in respect of these categories of manual workers. We are, however, of opinion that increments in the existing scales of wages with regard to these workers should be effected to a reasonable extent, and to that end we have formulated a scheme, which shall apply to all manual workers other than those who have been incorporated

n Appendix VI under the present issue. We direct that, subject to the
irections, given by us in connection with manual workers in the Prabartak
ute Mills under Issue No. 29, the following scheme shall apply to all such
anual workers in the jute mills involved in this reference:—

(*a*) Manual workers getting basic wages up to Rs. 45 per month shall get an increase of 18¾ per cent. or of 3 annas in the rupee, subject to a minimum of Rs. 26 per month.

(*b*) Manual workers getting basic wages above Rs. 45 and up to Rs. 75 per month shall get an increase of 12½ per cent. or of 2 annas in the rupee, subject to a minimum of Rs. 54 per month.

(*c*) Manual workers getting basic wages over Rs. 75 per month shall get an increase of 6¼ per cent. or of 1 anna in the rupee, subject to a minimum of Rs. 85.

6(6). In case there has been any omission to mention any particular
ype of manual worker in connection with the abovementioned scheme or
ith the scheme set forth in Appendix VI under the present issue, the basic
ages in respect of such manual worker shall be determined by the employer
oncerned consistently with the principles enunciated above.

6(7). We now come to the question of determining standardised scales
basic wages for clerks or clerical workers who may be employed either
the factory proper, or in the office or elsewhere. As already indicated we
ave not had adequate information on the subject of wages of the clerical
aff in the different mills. It appears however from the statements
ubmitted by the Union concerned in connection with the clerical staff
mployed in the Ganges Jute Mills at Bansberia that the lowest grade of
ages paid to clerks in that particular concern is Rs. 27 to Rs. 35 per month.
is understood that generally speaking the lowest grade applicable to the
erical staff is in the neighbourhood of Rs. 40 to Rs. 60 per month. As we
ave already observed in connection with the question of fixation of
inimum basic wages under Issue No. 3, such existing scales of wages
pplicable to clerical workers are much too small in view of the existing
onditions of life. There is no manner of doubt that the scales of basic
ages applicable to clerks should be reasonably increased. As regards the
xation of time-scale grades, the case of clerks stands on a footing which is
mewhat different from that of the manual workers. It is usual for
erical workers to be put on time-scale grades of wages in the different
tablishments in the country. There is therefore no reason why time-scale
rades should not be fixed by us, at least in respect of the lower grades of
erical workers. It appears that the scales of wages applicable to higher
special grade clerks vary very widely from mill to mill, and in view of
e widely different conditions prevailing in the different establishments, it
not practicable to fix definite time-scale grades for the higher or special
ade clerks. We have come to the conclusion that the question of basic
ages and grades for higher or special grade clerks should be left to the
scretion of the individual employers in the different jute mills. It is
owever necessary to standardise the basic wages in the form of time-scale
ades in respect of the lower grade clerical staff employed in the different
lls. We are fixing only two grades for such lower grade clerks. Subject
our directions in connection with clerical workers in the Prabartak Jute
lls under Issue No. 29, we direct that the following scheme with regard
clerical workers employed in the factory, or in the office, or elsewhere in
jute mill shall apply to the jute mills involved in this reference:—

Lower grade clerical workers shall be put in the two following time-scale
ades, the first figure in each grade representing the minimum starting
onthly wages, the last figures representing the maximum monthly wages,

and the middle figure representing the amount of increment per year
service:—

Grade I—Rs. 70—4—130.

Grade II—Rs. 55—3—85.

Clerical workers including new entrants who are graduates, shall
placed in Grade I. Non-Graduate clerical workers shall ordinarily
placed in Grade II, but there will be no bar to placing such clerical worke
in Grade I, and suitable and efficient non-graduate clerical workers may
placed in Grade I. As regards the question of fitting the clerical worke
on existing lower scales of basic wages into the grades of basic wages no
fixed by our award, the following scheme shall be observed. Subject to o
directions, it will be at the discretion of the employer concerned to determi
the grade applicable to a particular clerical worker. When a clerica
worker on an existing lower scale of wages is brought on to the correspon
ing scale as determined by us, his initial wages should be fixed at the stag
in the new scale which is equal to or next above the scale he is drawing a
present, and to this should be added special increments at the rate of on
increment in the new scale for every three completed years of service. Th
figure thus obtained shall be the scale of basic wages applicable to tha
particular clerical worker. In no case shall a clerical worker be placed a
a grade less favourable to him than the existing grade and terms of service

If in any concern the amount of wages of any workman is a consolidate
sum consisting of basic wages, dearness allowance and other allowances —

(1) a sum of Rs. 32-8, where no food concession benefits are available
to the workman concerned, or

(2) a sum of Rs. 23-13-3 where such benefits to the extent of Rs. 2 o
more per week are available, or

(3) a sum of Rs. 32-8 diminished by the value of food concessio
benefits where such benefits are less than Rs. 2 per week in valu
shall be deducted from the consolidated wages to find out
basic wages, as distinguished from the dearness allowance in
context of this award. The basic wages thus found shall
treated in accordance with the scheme of this award to find
the new scale of basic wages for the particular workman und
this award.

ISSUE No. 6.—Revision of Dearness Allowance.

7. The next subject for our consideration is that of revision of dearne
allowance under Issue No. 6. It will be remembered that in our awar
under Issue No. 3 relating to fixation of minimum basic wages, we have com
to the conclusion that the minimum total emolument of the lowest pa
manual worker should be Rs. 58-8 per month and out of that amount Rs 32
should go towards the dearness allowance. This dearness allowance w
consist of two items, namely, (1) the dearness allowance proper, and (2) th
value of food concessions allowed. As regards the distribution of the entir
amount of dearness allowance between these two items, we shall deal wit
the matter later on. It is necessary in the beginning to consider whet
dearness allowance should be fixed for various categories of workers on
basis of different ranges of wages and whether it should be on a sliding
scale depending on the varying cost of living index figures. Taking
latter aspect first, we may recall what we have already said under Is
No. 3 with regard to the cost of living index figures available in W
Bengal. We have already indicated that there is no really authoritat
version of the cost of living index figures in this Province, and we ha

found ourselves unable to act upon the different versions which have reached us. Apart from this aspect of the matter, we think that fixation of dearness allowance at a flat rate would be the most suitable policy for our purposes. In fact the Bengal Chatkal Mazdoor Union has stated in its written statement that dearness allowance should be allowed at a flat rate, and most of the other Unions also mentioned a flat figure for dearness allowance. Our award will not remain in force for more than one year. Although it may be that the cost of living index may vary by way of rises or falls during that period, we are of opinion that it would be most convenient for the purpose of all concerned if we fix the scale of dearness allowance at a flat rate, irrespective of the cost of living index figures. Then we may turn our attention to the aspect of varying ranges of wages. Here again, after giving the most careful thought to all points of view, we have come to the conclusion that for our present purposes there need not be a sliding scale of dearness allowance depending on varying ranges of wages, and we have decided to fix the amount of dearness allowance for all workmen, either manual or clerical, at a flat rate of Rs. 32-8 per month, inclusive of the value of food concessions, irrespective of all other considerations. This will mean a rise in the scale of dearness allowance to the extent of about Rs. 4-8 per month, in so far as the existing scale of dearness allowance is roughly Rs. 28 per month in respect of manual workers. Unfortunately figures in respect of clerical workers in all centres with regard to this subject were not made available to us. In our opinion, if the scale of dearness allowance applicable at present to any workman of any category is greater than Rs. 32-8 per month inclusive of the value of food concessions, such existing scale should be maintained, as we have decided not to reduce any existing scale. With regard to the question of dearness allowance, we have decided to make an exception in the case of the Prabartak Jute Mills, as will appear in our award under Issue No. 29. Our award under the present issue in respect of dearness allowance will apply to the workmen in all the mills except the Prabartak Jute Mills. Subject to this reservation, we direct that the scale of dearness allowance inclusive of the value of food concessions, in respect of all categories of workmen, be fixed at Rs. 32-8 per month. This direction will be subject to the proviso that in a particular case in which the existing scale of dearness allowance is greater than the scale of Rs. 32-8 per month which is now fixed, the existing scale shall be maintained.

7(1). Then comes the question of distributing the total amount of dearness allowance, i.e., Rs. 32-8 between the items of (1) dearness allowance proper, and (2) the value of food concessions. We have ascertained that the following ingredients of food are ordinarily supplied at concession rates to the workmen every week on condition that the concession for the whole week is to be allowed to the workman who attends and works at least for one day in the week. The ingredients of food supplied per week are as follows:—

Cereals, i.e., rice, atta, gram and dal, to the extent of at least 5 seers in all.

Mustard oil—$\frac{1}{4}$ seer.

Extra dal—1 seer.

It appears that the average value of food concession thus allowed is about Rs. 2 per week, or Rs. 8-10-9 per month consisting of $4\frac{1}{3}$ weeks. When prices rise the employer takes upon himself the extra burden, and when prices fall the employer has to pay less for the food materials supplied. The present trend is towards rise, and it is therefore more beneficial to the workmen to purchase their food materials at concession prices from the mill ration shops. On behalf of the Unions it was contended that the mill

ration shops should be abolished in so far as they were being run very unsatisfactorily, the quality of food materials supplied being very bad, and the weights being short, and the management on the whole not being up to the mark. Complaints were made that the administration of food materials was left in many places in the hands of contractors. This allegation however was denied on behalf of the Indian Jute Mills' Association. On giving careful thought to the whole question we have come to the conclusion that the system of food ration shops wherefrom workers can draw their food rations at fixed concession prices, irrespective of the rise and fall of prices in the ordinary market or in the recognised food ration shops outside, is beneficial to both the employers and employees and we agree with the view expressed on behalf of the Association that this system acts as a convenient buffer against the rise and fall of prices. We, therefore, hold that the system of food ration shops in the mills should be maintained as far as practicable. The abuses said to be prevalent in the administration of the mill ration shops should however be eliminated, and steps must be taken to get rid of contractors where they exist, and to place the entire administration under responsible officers of the employers themselves, and care should be taken to see that the quality of the food materials supplied is not bad and the weights are correct. We have given careful consideration to the contention of the Unions that the mill ration shops should be done away with, and the workmen should be given the cash value of the food concessions instead. The Unions have also claimed that the value of the food concessions should vary with the fluctuations in the prices of the food materials. We are of opinion that efforts should be made to convince the workmen that the food ration shops exist for their benefit and subject to a proper standard of administration of these shops, there should be no ground for abolishing the mill ration shops. We are not satisfied that the demand for abolishing the mill ration shops is really universal. At the same time we are satisfied that there may be a genuine demand for such abolition in individual mills. While we recommended that the system of mill ration shops should be maintained in the interest of the workmen themselves, we are not disposed to compel them to accept the system, and we hold that if a substantial majority of the workmen of all categories in a particular concern demands that the system of food ration shop in the mill should be substituted by a system of payment of the cash value of the food concessions, such a demand should be respected in the interest of industrial peace. In a particular case in which the majority of the workmen, to the extent determined by us, demands the cash value of the food concessions, such cash value shall be fixed at Rs.2 per week or Rs.8-10-9 per month consisting of $4\frac{1}{3}$ weeks. Thus the total dearness allowance of Rs. 32-8 will consist of Rs.23-13-3 (at Rs.5-8 per week of 48 hours or 1 anna 10 pies per hour for manual workmen) as dearness allowance proper and Rs 8-10-9 as value of food concessions. The dearness allowance proper should be linked with attendance as at present, and the food concessions either by way of actual supply of food at concession rates from the mill ration shops or by way of payment of the cash value as determined above will depend on the factor of the particular workmen attending and working at least for one day in the week, as at present. We accordingly give the following directions subject to a special direction under Issue No. 29 in respect of the Prabartak Jute Mills:—

(1) The dearness allowance in respect of all categories of workmen both manual and clerical, shall be fixed at Rs. 32-8 per month inclusive of the value of food concessions to the extent of Rs. 8-10-9 per month, the dearness allowance proper thus being Rs. 23-13-3 per month.

(2) The dearness allowance proper shall be linked with attendance.

(3) The food concessions will depend on the condition that the workman shall attend and work at least for one day in the week.

(4) The quantity of food materials supplied at present, as noted in an earlier part of our award under this issue, shall be maintained.

(5) Food ration shops shall be maintained by the different jute mills, unless a majority of at least 75 per cent. of the workmen in any mill express their desire to receive the cash value of the food concessions. Once the choice is made the workmen will not be permitted to resile from it during the period of operation of this Award.

(6) In case the option is exercised in favour of receiving the cash value of food concessions instead of drawing food materials from the mill ration shops at concession rates, the cash value to be given on this account to each workman shall be the fixed amount of Rs. 8-10-9 per month, which along with the dearness allowance proper to the extent of Rs. 23-13-3 will make up the total dearness allowance of Rs. 32-8.

(7) In a particular case in which the amount of dearness allowance prevailing at present in the form of amenity allowance or any other benefit, exceeds the scale of Rs. 32-8 per month for dearness allowance which we have now fixed, the existing scale shall be maintained.

ISSUE No. 7.—Bonus for Past Years and for the Future.

Profit-sharing bonus.

8. We next take up the question of bonus (1) for past years and (2) for the future. The demand for bonus for the future, as put forward by the different Unions, involves the question of profit-sharing bonus, whereas the demand for bonus for past years is based on the proposition that the workmen are entitled to be compensated out of the alleged huge profits which were made by the different jute mills during the past years, and particularly the years of war. At the very outset the claim for bonus in any shape or form has been resisted very strenuously by the Indian Jute Mills Association on behalf of all the jute mills with which we are concerned, on the footing that this claim is not an industrial dispute at all, and this Tribunal has no jurisdiction to deal with the matter. Before we proceed to deal with the legal aspect of the issue, let us state briefly the nature of the claim put forward by the different Unions. The Indian Jute Mill Workers' Federation has demanded a bonus to the extent of 2 months' wages for each year from 1937 to 1946, and also a profit-sharing bonus in subsequent years, according to some scheme more or less like the scheme adopted by the Tata Iron and Steel Co., Ltd., at Jamshedpur and it is demanded that the employers should pay to the workmen 22½ per cent. of the net income after deducting for legitimate depreciation and providing for a 5 per cent. dividend, the share of profits thus available being distributed among the workmen on a *pro-rata* basis of basic wages. The Bengal National Chamber of Labour has demanded at least 3 months' wages as bonus to compensate the losses incurred and to get rid of the indebtedness due to employment in the jute mills, and has also demanded profit-sharing bonus to the extent of 25 per cent. of the gross profits to be distributed among the workmen. The Bengal Chatkal Mazdoor Union has claimed immediate payment of 3 months' wages including allowances to all manual workers and clerks and also, so far as the future is concerned, 25 per cent. of the annual gross profits to be distributed among the manual workers

or clerks as a profit-sharing bonus every year. The Howrah Zilla Chat'al Mazdoor Union has asked for bonus to the extent of 3 months' wages as compensation for loss in real wages during the war years and profit-sharing bonus to the extent of 25 per cent. of the annual gross profits. The Bansberia Jute Mill Employees' Union has claimed bonus to the extent of 3 months' pay for every year. The minimum demand in respect of bonus for past years, therefore, comes to 3 months' wages, and the demand for bonus for future years is really in respect of what is being called profit-sharing bonus.

8(1). Before we proceed to discuss the claims put forward by the Unions we are confronted with the contention of the Indian Jute Mills Association to the effect that this Tribunal has no jurisdiction to deal with the subject in so far as it is not an industrial dispute. Sri M. P. Birla, Chairman of the Indian Jute Mills Association, in his address to the Tribunal on the 7th June 1948, observed as follows: "I agree that the question of bonus beng an *ex-gratia* payment is an exploded theory according to recent awards and judgments". The Chairman of the Association, while conceding the position to that extent, did not say that the Association decided to give up the controversy regarding the jurisdiction of the Tribunal. Prior to the Chairman's address before us we had occasion to hear elaborate arguments put forward by Sri S. Chandhuri, Counsel for the Association, in support of the proposition that the claim relating to bonus was not an industrial dispute at all, in so far as it was an *ex-gratia* payment and it could not be incorporated in the terms of employment. We also heard Sri S. K. Basu, Advocate, on behalf of the Indian Jute Mill Workers' Federation in support of the contrary view. We are, therefore, called upon to decide whether we have jurisdiction to deal with this issue before we can proceed any further. We note that the Chairman of this Tribunal had occasion to give a decision on the same subject in connection with Issue No. 7 in his award in the industrial dispute between the Bengal Chemical and Pharmaceutical Works, Ltd., and its employees, as published by the Government of West Bengal, Department of Commerce, Labour and Industries, order No. 756Lab., dated the 6th November 1947, in the *Calcutta Gazette*. We agree generally with the views expressed by the Adjudicator in that award which is expressed in the following manner. "The first question is whether this Tribunal has jurisdiction to adjudicate on this matter, or in other words whether it comes within the purview of an 'industrial dispute' as defined in section 2(*j*) of the Industrial Disputes Act, which lays down that an 'industrial dispute' means any dispute between employers and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person. It has been contended on behalf of the Company that 'bonus' is a 'gift or *ex-gratia* payment and entirely a matter of grace and does not form any of the existing terms of employment and therefore cannot be the subject-matter of an industrial dispute. On giving very careful consideration to this contention, I am of opinion that 'bonus' when demanded by the employees and refused by the employers becomes a subject-matter of an industrial dispute in so far as such a dispute is connected with the terms of employment, though the subject-matter does not in fact constitute one of the existing terms of employment. In my opinion, the subject-matter of the dispute need not be one of the existing terms of employment at all, and it will be sufficient if the controversy between the parties relates to a subject which according to either party may or should be a term of employment. The connection between the dispute and the terms of employment is established as soon as the employees demand that the subject-matter is or should be a term of

employment and the employers resist by contending that it is not, or should not be, or cannot be, a term of employment. The same type of argument applies to the expression 'conditions of labour', and the dispute, in order to be an industrial dispute, is not restricted to merely the existing conditions of labour, but may be extended to what should have been the conditions of labour. Unless the words are interpreted in this liberal manner, the position would be ridiculous, as a Tribunal would be debarred from considering the question of housing as a condition of labour where it does not exist at present or the question of dearness allowance or compensatory allowance or any allowance of a special character where it does not prevail at the moment."

8.21. The view expressed above finds complete support in the judgments of the Bombay High Court in the case of Indian Hume Pipe Co., Ltd., reported in XLVIII Bombay Law Reporter, page 551 (also in All-India Reporter, 1947, Bombay, page 42). In the original Court presided over by Bhagwati J., the petitioners, the Indian Hume Pipe Co., Ltd., were the owners of a factory where they employed a certain number of workmen, who were represented by a Union called the "Hume Pipe Workers' Union". Prior to 1944 the Union demanded the payment of bonus from the petitioners, and as a result of negotiations or conciliation proceedings, the petitioners paid certain amounts of bonus agreed upon. Bonus was similarly demanded for the year 1944, but the claim was refused. The Union sent a notice to the effect that if the claim was not conceded within a certain period the workmen would go on strike. The Government of Bombay eventually referred the matter to an adjudicator for adjudication. The petitioners took the matter to the High Court for restraining the adjudicator from proceeding further with the adjudication, and the contention was that the payment of bonus was a voluntary payment *ex-gratia* and by way of concession which the petitioners were not bound to pay to the workmen under the terms of their employment as part of the wages payable to the workmen by the petitioners, and that the workmen were not entitled to claim any bonus as of right or as part of their wages and the dispute not being a trade dispute could not be referred for adjudication under Rule 81A(1)(c) of the Defence of India Rules, 1939. It is needless for us to go elaborately into the details of the judgment passed by Bhagwati J., but it will be useful to refer to relevant passages from the judgment which we consider to be important. We agree that the authorities referred to in the judgment establish beyond doubt the proposition enunciated by Lord Birkenhead, in the case of Sutton *vs.* Attorney-General (1923)39T.L.R.294(297), that the term "bonus" is used not only to describe the payments made of grace and not as of right, but also includes payments made because they are legally due. We also agree that a question as to whether the workmen should be given a bonus for a particular year is, if it is not merely an *ex-gratia* payment, clearly a term express or implied, of the contract of employment. In this connection reference has been made in the judgment of Bhagwati J., to the English decision in the House of Lords in the case of National Association of Local Government Officers *vs.* Bolton Corporation (1943 Appeal cases 166). We may usefully refer to the observations of Lord Atkin on pages 180-81 of the Report, which run as follows: "I come to the conclusion, therefore, that the local authorities are given the power to make it part of the terms of employment of their servants that they will exercise their power of making up the war service pay when the servants leave their employment, and if there be such a power there is nothing to prevent the servants from claiming to have the power exercised, and if a difference arises in this matter between the authority and the servants there is nothing to prevent the Minister from referring the difference to the

National Arbitration Tribunal, or to prevent that Tribunal from determin the dispute. It is unnecessary to say that the Tribunal has compl control on the matter. It may reject the claim altogether or it may gra it in part or subject to conditions. The interference of the rights of t employers is no more or no less than the interference when any questio of wages is referred to compulsory arbitration." We may similarly quo from the speech of Lord Wright at page 189, which runs as follows: " cannot see any good reason why the respondents should not agree in advan to make a condition of employment with their employees generally that th would be done. Nor can I see why, if the employees insist on th condition and the respondents refuse it, there is not a trade dispute und the order or why the Tribunal has not jurisdiction to make a bindi award." After considering these views expressed in the Boltan Corporatio Case, Bhagwati J., comes to the following conclusions: "I am of opinio that if a dispute which has arisen between the employers and the workme is such as can be said to be connected with the terms of employment, expre or implied, even though the employer may, apart from entering into an such contract of employment, also have the power to make an *ex-gratia* payment, it would be open to the workmen to contend that the paymen demanded by the workmen was not a payment *ex-gratia* but was a paymen which could be comprised within the terms of employment, express o implied, obtainning between the employer and the workmen. * * I am of opinion that it would be open to the workmen to contend that th payment demanded by the workmen from the employer was a payment a of right; a payment which could be made by the employer not as a matte of grace but as extra remuneration for the work done by the employee under a contract, express or implied, and if a demand was made by the workmen for such payment from the employer and the employer refuse to make such payment, there would arise a trade dispute between the employer and the workmen within the meaning of section 2(*j*) of the Trade Disputes Act." This view held by Bhagwati J., in the original Court was upheld on appeal by the Court of Appeal consisting of Stone C. J. and Kania J. Some of the observations made by Chief Justice Stone in course of his judgment are as follows: "In my judgment as soon as the appellant company refused to comply with this demand which it was free unfettered discretion to grant, it is quite impossible to say that there w no dispute or difference between the employers and their workmen whic was connected with the terms of employment. * * * Even accepting that the primary meaning of the word 'bonus' is 'gratuity' or 'gratuity', it is not asked in this case as a matter of patronage or favour It is demanded, and strike action is threatened if such demand is not complied with. So that as soon as the demand is declined, all the elemen of a trade dispute arise." Similarly some of the observations made Kania J., are as follows: "While the appellants contend that it is *ex-gratia* payment, respondents contend that it is not so. The appella contend that the workmen are not entitled under the terms of their empl ment to the same, while the respondents contend that it is not so. It in my opinion, it is clearly a dispute between the parties as regards t terms of employment and is covered by section 3 of the Trade Dispu Act". The question before us is whether the dispute relating to the cla for bonus is an industrial dispute within the meaning of section 2(*j*) the Industrial Disputes Act, 1947. The claim as put forward by the Uni on behalf of the workmen employed in the jute mills is clearly not in respe of an *ex-gratia* payment, and the claim is made as a matter of right on th footing that even though such a term regarding payment of bonus is no one of the existing terms of employment, it should be one of the term of employment, and the prayer before this Tribunal is that the paymen

of bonus on such conditions as it thinks fit should be compulsorily made one of the terms of employment. In the arguments advanced before us there was a good deal of discussion on both sides as to whether bonus of the kind claimed would be "wages" within the meaning of section 2(*vi*) of the Payment of Wages Act. We do not think that the kind of bonus claimed would be "wages" within the meaning of the Payment of Wages Act, and we are of opinion that the only question before us, irrespective of all other considerations, is whether the claim for bonus which has been put forward on behalf of the workmen and which has been resisted on behalf of the employers is a dispute between the employers and the workmen which is connected with the terms of employment or in other words whether this dispute is an industrial dispute. After giving very careful consideration to all aspects of the subject, we come to the clear conclusion that this dispute is an industrial dispute, and this Tribunal has ample jurisdiction to deal with it.

30. The real question before us is how we shall deal with this matter and whether we shall make an award in respect of the claim for bonus under the particular circumstances. We shall first deal with the claim for bonus to the extent of 3 months' wages or more in respect of the past years up to 1946. The main ground on which this claim is made is that the jute mills made huge profits during the past years, particularly the years of war, and the workmen were deprived of their just dues in so far as they were not given any share of those huge profits, and were allowed to run into debts or to incur losses generally. Unfortunately, the Unions have not placed any figures indicating the alleged huge profits during the past years. In Sri S. R. Deshpande's Report on an Enquiry into Conditions of Labour in the Jute Mill Industry in India, on page 5, we find a table giving figures regarding the profits made by the Jute Textile Industry during the period 1928 to 1942. It is not clear whether the number of companies mentioned in the table represented the entire industry, although the language used seems to mean that the figures of profits given represent the profits made by the entire industry. In this table we do not find any huge profits against the years 1937, 1938 or 1939. It appears that profits began to increase from the year 1940 after the war commenced. Even then it is not clear that the profits as shown in the figures can be described as huge or abnormal profits. Sri M. P. Birla, Chairman of the Indian Jute Mills Association, in course of his address before this Tribunal submitted a statement of gross and net profits made by the industry during the years 1931 to 1947, the figures given representing 90 per cent. of the Association on loomage basis. In the table submitted it is shown that there were losses, and no profits, in the industry in 1937 and 1938 and the net profits during the years 1940 to 1946 ranged from 189 lakhs to 322 lakhs of rupees. We notice that the figures of profits given in Sri M. P. Birla's statement and those given on page 5 of Sri S. R. Deshpande's book do not tally with each other. The question for our consideration is whether any such abnormal profits were made by the industry during the past few years as would justify us in making an order of compulsory payment of bonus in respect of those years. We find the following significant observations on page 5 of Deshpande's Report: "It will be seen that as a result of the conditions created by the war the industry has not made abnormal profits like certain other industries in the country, and although the profit position is better than in the period of depression, it is not better than what it was prior to 1929. As stated by the Chairman of the Indian Jute Mills Association, one of the reasons for this is that although there has been great demand for jute manufactures, prices had to be kept at reasonable level as the prosperity depends to a large extent on the export markets and after the outbreak of the war, the main consumers of the industry, namely, the Government of India,

the United States of America and the other allied Governments, made it plain that the industry should not charge them any unduly high prices. It was stated that the percentage of profit earned from orders directly placed by Government was only 7½." The position is that the different units in the industry have already paid the taxes payable to Government in respect of such profits as were found to have been made, and if we made any award directing the employers to pay amounts of bonus in respect of the past years at this stage, the employers would probably not get any benefit of deductions on account of the bonus which may be paid at this distance of time. Apart from the element of unfairness which would be involved in an order of the kind sought by the Unions, we feel that it is difficult to be satisfied on the materials available to us that abnormal profits were actually made by the different mills during the past years. Moreover, it would not be fair to saddle the entire industry in a lump with a liability regarding payment of bonus for past years, without our being able to consider the amounts of profits made by individual units, particularly the marginal units. As we have said, in the absence of adequate data we are unable to come to the conclusion that any abnormal profits were made during the past years by the different jute mills in West Bengal. In the result, we are not disposed to make an award directing payment of bonus in respect of past years.

8(4). We then proceed to take up the question of bonus for years subsequent to 1946, or in other words the question of profit-sharing bonus. On behalf of the Unions it is contended that the introduction of a scheme of profit-sharing bonus, more or less on the lines of the scheme adopted by the Tata Iron and Steel Co., Ltd., will be an incentive to the employees for exerting themselves to the utmost, in so far as such a scheme of participation in the profits of the establishment will naturally make them interested directly in its prosperity, and such a scheme is likely to increase the production. We feel that there is a good deal to be said in support of the idea involved in the claim put forward by the Unions. At the same time our attention has been drawn on behalf of the Indian Jute Mills Association to various other factors which should be taken into consideration before any decision can be arrived at. It has been contended on behalf of the Association that the Jute Textile Industry consisting of a large number of units of varying degrees of efficiency and prosperity is essentially different from a single industrial unit like the Tata Iron and Steel Co. It is pointed out that the circumstances through which the Tata Iron and Steel Co has passed through different stages of its development are essentially different from those which have prevailed in the Jute Textile Industry. In view of what we are going to say later on, it is needless for us to go into the minute details of the distinction between a single unit like the Tata Iron and Steel Co. and the large number of units comprising the Jute Textile Industry. Our attention has been drawn to the fact that while the Jute Textile Industry is an export industry with its market mostly in foreign countries, other industries, such as those of iron and steel, cotton, sugar, etc., have their markets confined practically within this country. That being the position, it is pointed out, the products of the Jute Textile Industry in this country have got to compete not only with jute textile products of other foreign countries, but also with substitutes for jute bags, such as paper or cloth containers. It also appears that since after the partition of this country raw jute is grown mostly in Pakistan which is a foreign country, and this raw material is not so easily available as it used to be when the Indian sub-continent was one country and apart from the position that the availability of raw jute depends on such arrangement as may be made with the Government of Pakistan the raw commodity is being subjected to a duty in accordance with the decision

of the Pakistan Government. While we must say that we have not had sufficient opportunity of examining with thoroughness these different aspects of difficulties surrounding the Jute Textile Industry as a whole in this country, we are of opinion that these factors deserve the closest examination by experts, whose aid has not unfortunately been available to us. Then there are several other matters to be taken into consideration and we feel that before one can arrive at any conclusion as to the desirability or otherwise of introducing a profit-sharing scheme, it will be necessary to examine all those matters with the greatest care. The object of the proposed introduction of a profit-sharing scheme is to establish industrial peace in so far as such a scheme is likely to be conducive to the benefit of the employees, and to produce an atmosphere of contentment. One question is whether it will in fact give rise to contentment or is likely to introduce new causes of discontent. The accrual of profits in a particular industrial unit certainly depends in part on the effort put in by the workmen. But the effort of the workmen by itself is not the whole thing, and it cannot be gainsaid that the accrual of profits depends simultaneously on certain other factors, such as, efficiency of the management, managerial policy, trade conditions, etc. It is not improbable that a particular unit where the workmen are highly efficient and are contributing the greatest amount of effort in the cause of production may not be deriving substantial profits or perhaps may be incurring losses because of the influence of the other factors which may be on a low level. Thus it may happen that a band of efficient and sincere workmen in a particular unit may not be deriving any tangible benefit from a profit-sharing scheme, and in another unit where the workmen may not be exerting themselves with sincerity and efficiency, substantial profits may accrue because of favourable circumstances arising from the other factors which collectively contribute to the accrual of profits. If this kind of thing happens bringing into prominence the difference between one unit and another, the question arises whether it will lead to discontent in the minds of sincere but disappointed workmen. We have discussed this aspect in order to bring out the position that the factors at work in different units in the industry may be so widely divergent, that the question of accrual of profits will be demonstrated not to depend merely on the sincerity and efficiency of the workmen. Apart from these likely differences between one unit and another, the circumstances surrounding the question of accrual of profits may vary substantially in the same unit from one year to another. With regard to this latter aspect the question arises whether the workmen in the same unit, with their ordinary matter-of-fact psychology, will be able to bear with complacency the position that they will get the chance of participating in the profits in one year, while in another year they will get nothing at all, and whether circumstances of this kind will be conducive to contentment and industrial peace or will give rise to fresh causes of friction and discontent. Then we have to consider a practical question of the method of equitable distribution of the profits among the different interests. After giving the most careful consideration to this very important aspect of the subject, we feel that it is not practicable to come to a conclusion regarding the proper method to be adopted without getting the aid of experts whose advice is likely to be of immense value, and it is not safe to commit ourselves to a policy of blind imitation of the profit-sharing scheme adopted by the Tata Iron and Steel Co. or by any other concern, without our having got the chance of weighing all the implications of such a scheme relating particularly to the subject of equitable distribution of the earnings of an establishment.

85). Having set forth above the different aspects which, we feel, must be closely examined before a conclusion is arrived at, we would like

to take notice, at this stage, of the fact that in pursuance of the decision arrived at in the Tripartite Industries Conference held in New Delhi in December 1947 and of the Government Resolution, dated the 6th April 1948 on industrial policy, the Government of India has set up an Expert Committee to study and report on the determination of fair wages to labour and fair return on capital, and allied matters. It is understood that this step has been taken as a preliminary to the appointment of a Central Advisory Council on industries. It will be useful to set forth here the Government of India Resolution defining the functions of the Expert Committee, which was published in May 1948. The main features of the text of the Government of India Resolution announcing the functions of the Central Advisory Council and of the Expert Committee are on the following lines. The main function of the Central Advisory Council will be to advise Government on the principles to be followed for the determination of—

(*a*) fair wages to labour,

(*b*) fair return on capital employed in the industry,

(*c*) reasonable reserves for the maintenance and expansion of the undertaking, and

(*d*) labour's share of the surplus profits calculated on a sliding scale normally varying with production after provision has been made for (*b*) and (*c*) above.

The Government of India agree with the view expressed at the recent Labour Conference that subjects (*b*), (*c*) and (*d*) are of such a complex nature as to require preliminary study by experts in order to facilitate detailed consideration by the Central Advisory Council. They have accordingly decided to appoint a Committee of Experts. The Committee it appears, will have to pay particular attention to the following points—

(1) How should capital employed in the industry be determined?

(2) How should depreciation and taxation be treated for the purpose of arriving at the gross profit to be allocated between capital, labour and reserves?

(3) What are the purposes for which provision should be made by way of reserves and what should be the extent of such reserve

(4) What should be a fair return on capital employed in the industry? Should it be at a uniform rate for all industries or should the rate vary from industry to industry, and if so on what principles? If the fair return is not reached in some years should provision be made for making it up later and if so, how? (NOTE.—The fair return should be such as not to discourage adequate investment.)

(5) Should the fair return on capital employed in an industry vary with the level of taxation if the industry is a joint stock company or a private company?

(6) How should labour's share of the surplus profits (after making provision for fair return on capital and reasonable reserves) be determined on a sliding scale normally varying with production

(7) Should surplus profits be shared every year or should a part be held in reserve for equalisation or any other purpose such as provision against past and future losses?

(8) How should labour's share of the distributable profits, as determined under (6) and (7) above be distributed, that is, whether by each undertaking or by each industry or by industry as a whole in each region or for all industrial undertakings in the country or by a combination of these methods?

(9) How should Government undertakings be treated for (1) to (8) above?

(10) What should be the nature of the machinery for the determination of fair return, etc., on the principles accepted by Government?

(11) If, in the light of the considerations mentioned above, profit-sharing appears impracticable, what, if any, are the alternatives available to give effect to the principles underlying Government's declared policy? It appears from a note, dated the 2nd August, 1948, published in the newspapers that the latest phase of the policy of the Government of India with regard to this matter is on the following lines: Profit-sharing on an experimental basis for a specified period of time in a selected section of industry has been proposed by the Committee on profit-sharing. The Committee's proposal will be submitted to the Central Advisory Council which the Government are setting up shortly. The Central Advisory Council will study the proposal along with other recommendations contained in the Report of the Committee and make their own final recommendations for consideration of the Government of India. The recommendation of the Committee favouring the trial of an experiment for a certain period was made with a view to enabling the Government to study the various practical problems which might emerge out of its actual working. The scheme of profit-sharing by legislation was, it was felt by the Committee, absolutely new, while as for the cases in which it had been tried on a voluntary basis their results were either yet inconclusive or inapplicable to India. Hence the emphasis on experimenting, which incidentally helped to iron out the differences existing among the various interests represented in the Committee. In a further newspaper announcement, dated the 4th August, 1948, we find the following.: As announced in the resolution on industrial policy, the Government of India proposed to constitute a Central Advisory Council within the next few days. The Council will be tripartite in character and will include representatives of organisations in their representative and not individual capacity. The main functions of the Council will be to advise the Government on measures to be taken to achieve their objectives as set forth in the resolution and, in particular, to evolve a profit-sharing scheme and a scheme for the determination of fair wages to labour. The Council will also advise the Government on the regulation of their relations between employers and labours and on the method by which labour could co-operate with employers in securing stepped-up production.

S(6) It has been represented to us by the Indian Jute Mills' Association that profit-sharing schemes in more industrialised countries of the West have generally proved unsuccessful and they are not likely to meet with any better fate if introduced in this country. It may be that the theory propounded by the Association in this direction is a sweeping generalisation which does not hold good everywhere. But there are probably reasons for thinking that profit-sharing schemes have not proved successful everywhere

and they have not necessarily contributed to industrial peace and contentment in all undertakings in other industrialised countries. That is all the greater reason why this extremely important subject of profit-sharing should be scrutinised with the greatest care and circumspection before any scheme can be adopted with reference to any industry in this country. The materials placed before us have been extremely meagre, and we feel that on the basis of these slender materials and of the general statements made before us either by the Unions or by the Indian Jute Mills' Association and in the absence of tangible and helpful data which might be available from the investigation and advice of experts representing all the interests concerned, it is quite impracticable for us to come to any conclusion on the subject of introduction of a profit-sharing scheme in the Jute Textile Industry. It is noticeable that the Government of India is actively taking interest in the subject since the holding of the recent Tripartite Industries Conference, and it may be presumed that the advice of the Central Advisory Council in the light of the report of the Expert Committee will be available in the near future and the Government of India will be in a position to formulate definite proposals on the subject. We do not say that as a Tribunal we are necessarily restricted to the findings of any Council or Committee that may have been set up by the Government of India, or to the decisions that may be arrived at by the Government. But the subject evidently bristles with manifold complexities which cannot be resolved with the slender materials placed at our disposal by the parties concerned, and we do not consider it expedient to come to any hasty conclusion with regard to a key industry in this country. We feel that, in making our award with reference to the earlier issues relating to basic wages, dearness allowance, etc., we have made such adequate arrangements as we have found to be practicable under present circumstances. Any scheme of profit-sharing bonus will mean an addition to the total emoluments which we have provided for. The formulation of such a scheme may very well await further developments, and it will naturally be easier to reach a solution when all the materials collected from all conceivable points of view are made available. As that condition is yet to come into being, we must stay our hands with regard to this issue relating to profit-sharing schemes for the present, and must leave it open for future decision, either by negotiations between the parties concerned or, if necessary, by a process of adjudication by a future Tribunal.

ISSUE No. 8.—Payment for Period of Involuntary Unemployment.

9. We next take up Issue No. 8 involving a claim for payment for periods of involuntary unemployment. It is necessary first of all to explain the nature and extent of the claim. Involuntary unemployment arises from stoppage of work owing to causes beyond the control of the employer, such as, fire, catastrophe, breakdown of machinery, stoppage of power-supply, epidemics, civil commotion, shortage of coal or of raw materials or of essential stores, changes in lines of production, etc. It is claimed on behalf of the workers that the employers wish to retain the services of the workers during such periods of stoppage of work, and they should be made to pay adequate remuneration to the workers during such periods, although no work can be actually done. The Jute Mill Workers Federation in its written statement claimed "pay for involuntary unemployment due to stoppage of work not caused by the employees concerned", and during the hearing pressed for full remuneration for periods of involuntary unemployment. Similarly the Bengal National Chamber of Labour and the Howrah Zilla Chatkal Mazdoor Union claimed payment of full remuneration. The Bengal Chatkal Mazdoor Union has dealt with

the matter more elaborately in its written statement and has demanded that in all cases of involuntary unemployment, irrespective of the nature of the causes responsible, every worker should be paid compensation for the period of stoppage at the rate of 75 per cent. of his wages *plus* the full amenity allowance, and he should continue to receive weekly rations at the normal subsidised rates. On behalf of the Bengal Chatkal Mazdoor Union it has been pointed out that as it is difficult to fix full responsibility on the employers for the stoppage of work it is reasonable to claim 75 per cent. of the wages for periods of involuntary unemployment, rather than full remuneration as claimed by the other Unions. The claim for any kind of payment for periods of involuntary unemployment has been vehemently opposed by the Indian Jute Mills' Association. It has been contended on behalf of the Association that in so far as the worker does not do any work during the period of involuntary unemployment brought about by causes beyond the employer's control the worker is not entitled to any remuneration at all under the terms of contract of employment, and if anything used to be paid, under the name of "*khoraki*" or anything else, under circumstances of stoppage of work owing to shortage of coal, such payment was purely an *ex-gratia* payment to which the worker was never entitled in law, and the employers cannot justly and legally be saddled with any liability in respect of any payment for periods of involuntary unemployment.

9(b). At this stage it will be useful to trace briefly something in the nature of a historical background with regard to this subject. The Indian Jute Mills' Association did introduce a system of payment for periods of involuntary unemployment owing to shortage of coal, and an allowance called "*khoraki*" at Rs. 1-1 per week used to be paid to each worker concerned. Apart from the contention put forward on behalf of the Indian Jute Mills' Association that this payment was purely an *ex-gratia* payment and it was not legally due to the worker, an attempt has been made in course of the hearing to draw a line of distinction between the payment of "*khoraki*" under circumstances of shortage of coal, and the kind of payment for periods of involuntary unemployment which is now claimed on behalf of the workers. It is argued by the learned Counsel on behalf of the Indian Jute Mills' Association that there was an element of voluntariness in the matter of stoppage of work owing to shortage of coal particularly during the years of war. The point which is sought to be made out is that the Indian Jute Mills' Association made an arrangement for distribution of the available quantity of coal in rotation to the mills and in recognition of the regular supply of coal in rotation the mills participated in a system of making payments and pooling their resources in this direction for meeting the cost in respect of payments for the particular variety of involuntary unemployment. It is contended that this was a sort of collective endeavour in which there was a definite amount of voluntariness on the part of the employers concerned, and, therefore, the previous system of payment for periods of involuntary unemployment owing to shortage of coal can be clearly distinguished from other cases of involuntary unemployment which the Labour Unions now seek to bring into the picture. On giving careful consideration to this contention, we fail to see any real distinction. There was obviously considerable shortage of coal at that time and what was arranged by the Indian Jute Mills' Association was to convert possible period of long-term unemployment in some mills into periods of short-term unemployment in all mills within the membership of the Association. It was really a case of even distribution of the periods of unemployment which were inevitable under the particular circumstances. We are unable to agree that the character of the unemployment caused by circumstances of shortage of coal was anything but involuntary unemployment brought

about by a cause beyond the employer's control. We conclude, therefore, that there is no real distinction between the system of payment of "*khoraki*" during the periods of unemployment owing to shortage of coal, and the kind of payment for involuntary unemployment which is now claimed on behalf of the workers. The position therefore is that the Indian Jute Mills' Association did in fact recognise the necessity of introducing a system of payment for involuntary unemployment brought about by a particular cause, namely, shortage of coal during years of special difficulty. The system was obviously adopted not only in the interest of the employees concerned but also in the interest of the employers themselves who were vitally interested in the retention of the services of trained and skilled workers and in preventing abnormal turnover of the employees and in mitigating the tendencies for industrial unrest as far as practicable.

9(2). We may then refer to the steps taken by the Government of India after the 5th Tripartite Labour Conference held in September 1943 and again after the 7th Labour Conference held in November 1945. These steps are contained in letter No. L-1891, dated the 12th June 1944, from the Deputy Secretary to the Government of India, Department of Labour, to all Provincial Governments, etc., (subject:—Compensation for Involuntary Unemployment due to shortage of coal, raw materials or changes in lines of production) and letter No. L-1891, dated the 1st March 1946, from the Deputy Secretary to the Government of India, Department of Labour, to all Provincial Governments, etc., on the same subject. These letters are to be found in Appendix VII under this award. After the deliberations of the 5th Labour Conference held in September 1943 the Government of India felt the necessity of considering proposals for payment for involuntary unemployment with reference to possible schemes of unemployment insurance and promulgated a circular of a recommendatory character as per the letter, dated 12th June 1944. The scheme contained in this circular was altered to some extent in consequence of the deliberations at the 7th Labour Conference held in November 1945, and the amendment was indicated in the letter, dated the 1st March 1946, referred to above. Under this scheme, as recommended by the Government of India, the proposals related only to short-term unemployment due to shortage of coal or raw materials or changes in lines of production of which adequate notice could not be given. The Government also specified certain scales of benefits to be given and there were other particulars incorporated in the scheme. In particular the duration of benefit was limited. We shall have occasion to consider the Government scheme later on in our award. It will be sufficient at this stage to state that the scheme circularised by the Government of India in 1944 and 1946 was only of a recommendatory character and it did not seek to impose any obligation of a compulsory nature on the employers and the result was that, in the Jute Textile Industry at any rate, it was not taken much notice of. The Indian Jute Mills' Association continued to stick to the system of payment of "*khoraki*" for periods of involuntary unemployment owing to shortage of coal alone as previously, and the scale of payment continued to be determined by the Association as before and there was no attempt to give the subject any shape in conformity with the Government scheme. Eventually the circumstances of occasional shortage of coal having disappeared, the system of payment of "*khoraki*" has also been discontinued for practical purposes. At present, in case of stoppage of work owing to shortage of coal or of raw materials or any other cause beyond the employer's control, if the workers actually attend they are paid wages for the day *plus* the amenity allowance with the minimum of eight annas for that day only. They are paid nothing for the subsequent days of involuntary unemployment. If the workers attend on a subsequent specified date, and are not given work again, they are agai

paid wages for the day *plus* the amenity allowance for that day only but nothing is paid for subsequent days. It is therefore clear from the system pursued at the present moment by the employers in the jute mills, that there is no system of payment for periods of involuntary unemployment in the real sense. This is the complaint which has been brought prominently to the notice of the Tribunal in course of the present proceedings, the claim being that this state of things should be adequately remedied.

9(3). We next proceed to consider the arguments advanced by both sides as regards the legal position with regard to this subject, the first question being whether the ordinary law imposes any liability on the employer. The legal aspect of the matter was mainly argued on the side of the Unions by Sri S. K. Basu, Advocate, on behalf of the Jute Mill Workers' Federation. The learned Advocate referred to the circular of the Indian Jute Mills' Association on the subject of pension and to the specimen of service card on which particulars relating to the service of each worker are recorded, and he argued that these being the only documents available for consideration, the terms of employment could be inferred from the materials available therein, and he contended that from these materials it should be held that the worker would fulfil his part of the contract as soon as he would present himself for rendering his services, and on such fulfilment of the worker's part of the contract, the employer would be under an obligation to pay to the worker his wages, irrespective of the question as to whether the employer was in a position to provide the work or not. This proposition propounded by Sri S. K. Basu has been strongly opposed by the learned Counsel on behalf of the Indian Jute Mills' Association. On giving careful consideration to the points raised we are of opinion that the materials pointed out by Sri S. K. Basu are not the only materials from which the terms of employment are to be determined, and we are unable to accept his view that the worker would fulfil his part of the contract as soon as he would merely present himself for rendering his services. With regard to the legal aspect of the matter our attention has been drawn by one party or the other to the provisions of sections 38 and 56 of the Indian Contract Act and to the definition "wages" under section 2(vi) of the Payment of Wages Act, and to certain cases decided by English Courts. Although much of our time was taken by elaborate references to cases decided in England, we are of opinion that it is not necessary for our purposes to discuss the principles enunciated in these cases, and it will be sufficient for our present purposes if we discuss the legal aspect which has been agitated before us with reference to the provisions of the Indian law alone. It appears to us that the pre-eminent feature of the Indian Law of Contract, with which we are concerned in relation to the subject under consideration, is involved in section 56 of the Indian Contract Act together with illustration (*c*) appended thereto. The relevant portion of section 56 of the Indian Contract Act runs as follows: -

> "A contracts to do an act which, after the contract is made, becomes impossible, becomes void when the act becomes impossible."

Illustration (*c*) under section 56 is stated as follows:—

> "*A* contracts to act at a theatre for 6 months in consideration of a sum paid in advance by *B*. On several occasions *A* is too ill to act. The contract on those occasions becomes void."

The relevant portion of section 38 of the Indian Contract Act runs as follows:—

> "Where a promisor has made an offer for performance to the promisee, and the offer has not been accepted, the promisor is not responsible for non-performance, nor does he thereby lose his rights

under the contract. Every such offer must fulfil the following conditions:—

(1) It must be unconditional.

(2) It must be made at a proper time and place and under such circumstances that the person to whom it is made may have a reasonable opportunity of ascertaining that the person by whom it is made is able and willing there and then to do the whole of what he is bound by his promise to do."

The definition of "wages" under section 2(*vi*) of the Payment of Wages Act is as follows:—"'Wages' means all remuneration, capable of being expressed in terms of money which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable, whether conditionally upon the regular attendance, good work or conduct or other behaviour of the person employed, or otherwise, to a person employed in respect of his employment or of work done in such employment, etc." We take the view that under the Indian Statutory Law the operation of the principle of section 56 of the Indian Contract Act relating to circumstances of impossibility of performance is inherent with reference to every contract, or in other words, that the performance of every contract is subject to the operation of the principle involved in section 56. Section 38 of the Indian Contract Act assumes the existence of a contract which is capable of performance. Sri S. K. Basu has drawn our attention to condition No. 2 under section 38 and has argued that the worker, as soon as he presents himself for rendering his services, should be considered able and willing there and then to do the whole of his part of the contract irrespective of the question as to whether any work is available or not and therefore, the worker having fulfilled the terms of the contract of employment, so far as he is concerned, full remuneration would be payable to him, and this remuneration would be "wages" within the meaning of the Payment of Wages Act. We are unable to accept this interpretation of the law, and we are of opinion that neither section 38 of the Indian Contract Act nor the definition of "wages" under the Payment of Wages Act can be rightly interpreted without reference to the implications of section 65 of the Indian Contract Act under circumstances in which a contract becomes impossible of performance. It is not correct to say that when there has been a stoppage of work owing to causes beyond the employer's control, the worker should be considered as able and willing there and then to do the whole of his part of the contract as soon as he presents himself to render his services. The real position is that the worker is unable to do any work, although he may be willing to do so, under the particular circumstances. We are of opinion that section 38 of the Indian Contract Act, which deals with what is known as the law of tender under the English Law, is of no assistance to the case put forward by the Unions. Similarly under circumstances in which the performance of work becomes impossible and consequently the normal contract becomes impossible of performance, there can be no question of fulfilment of the terms of the contract of employment or of any remuneration being payable within the meaning of section 2(*vi*) of the Payment of Wages Act. The result is that the provisions of the Payment of Wages Act also can be of no assistance to the case propounded on behalf of the Unions.

9(4). We may now consider the implications of section 56 of the Indian Contract Act and illustration (*e*) appended thereto. In our present case the contract to do work on payment of remuneration becomes impossible of performance when there is stoppage of work owing to reasons beyond the control of all concerned, including the employer. The question arises as to whether under such circumstances of impossibility of performance

brought about by the intervention of uncontrollable factors, the whole contract becomes void, or it becomes void on the particular occasions of impossibility of performance. With reference to illustration (*c*) it has been argued on behalf of the Indian Jute Mills' Association that under such circumstances the contract becomes only temporarily and not totally void, or in other words, that the contract is suspended for the time being. Though section 56 of the Indian Contract Act does not explicitly speak of any principle of temporary voidness, once a contract becomes impossible of performance, we are inclined to think that the Legislature deliberately appended illustration (*c*) to the section with the intention of introducing the principle of a contract being temporarily void under certain circumstances. Where the fulfilment of a contract involves the performance of a series of acts spread over a substantial period, and the performance of the contract becomes impossible, owing to the intervention of uncontrollable factors, on some intermediate occasions, the contract must be held to be void for the time being in respect of those occasions only and this position does not, in our view, affect the continuity of the contract in respect of later occasions. Proceeding to apply this principle to the circumstances we are considering, we would observe that when a period of involuntary unemployment supervenes owing to causes beyond everybody's control, the contract of employment is suspended for the time being, with regard to the particular intermediate occasions only, but the contract continues to be operative with regard to later occasions arising after the expiry of the intermediate period. In expressing this view of the law we accept generally what was urged before the Tribunal with regard to this matter by the learned Counsel on behalf of the Indian Jute Mills' Association. It is on this basis that the employer continues to retain the services of the employee, and the employee continues to have a lien on his job, without any final breakdown of the contract as a whole, although the contract becomes temporarily void in respect of certain individual occasions arising during an intermediate period. We further hold that when the contract becomes impossible of performance under circumstances of stoppage of work caused by factors beyond everybody's control, the operation of the contract becomes temporarily suspended, and the employer is not liable in law to pay the wages for the period concerned. The result therefore is that with regard to the issue under consideration, the ordinary civil law of the land does not help the employees.

9(b) The next question is whether the matter should end there, or whether we, sitting on this Industrial Tribunal, should take steps of providing some equitable relief, although the ordinary civil law has not provide for it. It has been argued on behalf of the Indian Jute Mills' Association that the Tribunal should follow the ordinary law and should not do anything beyond the scope of the law. In reply to this contention we must say that the Tribunal would stultify itself if it were to agree to this proposition. The fundamental question before us is whether the claim put forward under this issue is an industrial dispute within the meaning of section 2(*k*) of the Industrial Disputes Act. From the arguments advanced on both sides during the hearing we have understood that there is no controversy at all with regard to the position that this claim constitutes an industrial dispute. It need not perhaps be impressed on any one that this claim is connected with what should be the terms of employment according to the view-point of the workers. As soon as it is accepted, as it has been accepted by all concerned, that this claim constitutes an industrial dispute, this Tribunal has complete jurisdiction to deal with the matter not only on the basis of the ordinary law of the land but also on principles of equity and social justice. We are dealing with an industrial dispute of an acute nature involving a long-standing grievance

which has not been resolved in spite of the attempts of the Government to reach a solution by propounding schemes of a recommendatory character. It is our incumbent duty to take steps for establishing industrial peace and for preventing causes of industrial unrest, provided that we can do something on the basis of principles of equity and social justice, and we feel that our hands are in no way tied down by the ordinary law of the land. It has been further contended on behalf of the Indian Jute Mills' Association that the Tribunal should not go ahead of legislation, and it should stay its hands till the Government takes steps for bringing about some legislative measure. We are unable to agree to this view also. Looking at the letters circularised by the Government of India in 1944 and 1946, we realise that the Government was not prepared at that time to place the matter before the Legislature. There might be many reasons for which Government felt that time was not yet ripe or opportune for taking the matter to the Legislature. With those aspects however we do not feel primarily concerned. We are bound to look to the present conditions of the industry and give an award in the best interest of the industry as a whole involving both employers and employees, irrespective of the question as to whether any piece of legislation on the subject is in contemplation or not. We have therefore decided not to wait for legislation but to do our duty in the light of present conditions, in our effort to settle the particular industrial dispute involved in the issue under consideration. The only question is to what extent we should take action, and on what lines.

9(6). We have given our anxious thoughts to the matter and have come to the conclusion that the scheme circularised by the Government of India by the letters, dated 12th June 1944 and 1st March 1946, may conveniently form the basis of our conclusions. Before we formulate the directions which we are going to give in the award with regard to this particular subject, we may give brief reasons why we have decided to make certain changes with reference to the Government scheme. We proceed on the principle that the scheme we are laying down is in the nature of unemployment insurance, just as the Government scheme was. It has been contended on behalf of the Indian Jute Mills' Association that a scheme like the Government scheme is no longer relevant in so far as the war is over. We are unable to agree to this view as we consider that from many standpoints the present times are no less abnormal than the years of war, and from certain points of view the present times are perhaps more difficult. We feel that in trying to propound a scheme keeping in view the Government scheme as a basis for consideration, we are pursuing a fairly conservative line of action in so far as, in doing so, we are turning down substantial portions of the demands put forward by the Unions. We are propounding our scheme with the idea that something should be done, and this is the minimum permissible under the particular circumstances. We now proceed to indicate the points in respect of which we propose to deviate to some extent from the details of the Government scheme, as per Appendix VII.

9(7). As regards the kinds of unemployment covered we are of opinion that the specification of the causes of stoppage of work as shortage of coal or raw materials or changes in lines of production, as found in the Government scheme, is inadequate, and in our view the list of kinds of unemployment should be expanded so as to cover all probable causes as contemplated in the Standing Orders which we are going to frame in connection with another issue. As regards benefits to be given we have taken the view that there need not be different claims of benefit for different categories of workers, and it will be fair and adequate to lay down a flat rate of benefit for all workers. The Government scheme laid down a scale of 75 per cent.

of the ordinary rate of pay for the first fortnight of unemployment and 50 per cent. of the ordinary rate of pay for the second fortnight. We have decided upon a flat rate of 50 per cent. of basic wages and of dearness allowance proper, and full food concession in addition. We are laying down a principle for calculating the ordinary rate of pay in respect of piece rate workers. This point does not appear to have been mentioned in the Government scheme. As in the Government scheme we are restricting the duration of benefit to one month in each half-year. We have however thought it fair and proper to do away with the further restriction in the Government scheme to the effect that no benefit would be available in the half-yearly periods until the number of days of involuntary unemployment has exceeded seven in the aggregate in the half-year. We do not see why a worker should not get the benefit if the period of involuntary unemployment lasts for less than 7 days. As regards the conditions attached to the benefit we are adopting the restriction regarding the muster roll as in the Government scheme, as we are of opinion that there should be some means of ensuring that the particular worker is not being employed elsewhere. As regards the other conditions mentioned in the Government scheme we are making certain necessary changes. As regards the other heads in the Government scheme we do not think it necessary for our purposes to say anything.

9(8) We therefore direct that the following scheme of payment for periods of involuntary unemployment should be observed by all concerned. The details of the scheme are as follows:—

(I) Kinds of unemployment covered.

(*a*) The award relates only to short-term involuntary unemployment due to stoppage of work owing to fire, catastrophe, breakdown of machinery, stoppage of power-supply, epidemics, civil commotion, shortage of coal or of raw materials or of essential stores, changes in lines of production, and other causes beyond the employer's control.

(*b*) The directions do not cover closures of factories or of departments due to special Government orders.

(II) Benefits to be given.

(*a*) The benefit to be given to each worker should be on the scale of 50 per cent. of the basic wages and of the dearness allowance proper, and each worker should continue to receive the weekly rations at the normal subsidised rates, or the cash value of the food concession.

(*b*) In the case of a piece-rate worker the rate of wages should be taken to be the average wages of the preceding seven days during which the worker actually worked.

(*c*) The duration of the benefit should be one month in each half-year from January to June and July to December, respectively.

(*d*) This involuntary unemployment benefit will not qualify a worker for bonuses determined by reference to earnings over any period.

(III) Conditions attached to benefit.

(*a*) To qualify for the benefit a worker must answer to a muster roll once a day at his usual place of employment, or with the permission of the employer, at any other place.

(*b*) A worker will be ineligible for the benefit if he unreasonably refuses work even of a different sort in his usual factory or (provided the employment offered is in the same locality) by transfer from one department to another in the same undertaking or from one jute mill to another.

(*c*) The scheme in the award will not affect the right of the employer to discharge the worker, or the right of the employee to discharge himself with due notice according to law and the prevailing rules of service.

ISSUE No. 10.—Revision of Working Hours and of Spreadover Period.

11. As already indicated we are not going to deal with Issue No. 9, the proceedings in respect of which have been stayed by a prohibitory order passed by the High Court of Calcutta. We shall, therefore, skip over Issue No. 9 and pass on to Issue No. 10 relating to the question of revision of working hours and of spreadover period. The issue is obviously divisible into two parts dealing with (1) revision of spreadover period, and (2) revision of working hours. Proceeding to deal with the question of spreadover period we observe that the Jute Mill Workers' Federation alone, among the Unions appearing before us, asked for an extension of the daily spreadover period within the meaning of section 38 of the Factories Act by one hour. During the hearing, however, the spokesman of the Federation abandoned the demand. We are, therefore, not called upon to come to any decision, and we do not make any award on the subject.

11(1). As regards the question of revision of working hours, the demand again may be divided into two parts. The first part relates to the contention of the Bengal Chatkal Mazdoor Union that women workers are being made to work in contravention of the provisions of section 45(*1*)(*b*) of the Factories Act which lays down that no woman shall be allowed to work in a factory except between 6 a.m. and 7 p.m. Arguing the point on behalf of the Union Sri Indrajit Gupta urged strict compliance with the provisions of the section. On behalf of the Indian Jute Mills' Association it was pointed out that a subsequent Ordinance called the Bengal Jute Mills Temporary Provision Ordinance effected some modification of the provisions of section 45(*1*)(*b*) of the Factories Act, and by virtue of the modification brought about by the Ordinance the management of a mill was exempted from strict adherence to the provisions of the section as regards women workers. In course of the discussion, however, the Indian Jute Mills' Association agreed and undertook to abide by the provisions of section 45(*1*)(*b*) of the Factories Act as regards the employment of women workers in spite of the Ordinance. The matter was thus settled. We hold that this undertaking should be given effect to in all the mills involved in this reference. We make our award on the point accordingly.

11(2). The next part of the demand regarding the revision of working hours relates to section 34 of the Factories Act, 1934, which lays down that no adult worker shall be allowed to work in a factory for more than 48 hours in any week. It is to be noted that the number of hours was reduced from 54 to 48 by the Factories (Amendment) Act X of 1946. The first question which has been raised with regard to this issue is whether this Tribunal has jurisdiction to adjudicate upon a matter of this kind in view of the law involved in section 34 of the Factories Act. The Indian Jute Mills' Association in its written statement has contended that the Tribunal is not competent to deal with this matter. With regard to this contention, we may observe at the outset that the number of hours of work in a week being one of the conditions of labour, the demand for reduction of the working hours gives rise to a dispute between the employers and the workmen which must

be held to be connected with the conditions of labour of some persons. The dispute is therefore certainly an industrial dispute, and this Tribunal has jurisdiction to deal with it. The next question is whether the Tribunal is precluded by the provisions of section 34 of the Factories Act which provides for the maximum number of hours of work, from giving a direction for reduction of the working hours. It has been contended on behalf of the Indian Jute Mills' Association that section 34 of the Factories Act gives the employer a right to make a worker work up to 48 hours in a week, and an order of reduction of the working hours would amount to curtailing this right which the law is said to confer on the employer. In view of what we are going to find on the merits of the matter, this point of law need not detain us very long. We may however mention the lines of argument advanced by the parties with regard to this legal aspect. The learned Counsel on behalf of the Indian Jute Mills' Association referred us to the award given by Mr. Justice Divatia in the industrial dispute between Messrs. Lever Brothers (India), Ltd. and its workers, published in the *Bombay Labour Gazette*, Volume XXI, 1941-42, at page 82. The demand in that case was that if any workman got injured in the factory premises and if he was recommended by the Medical Officer to abstain from work, the workman should be entitled to full wages for such period of absence. Section 4 of the Workmen's Compensation Act makes mandatory provisions for compensation for total or partial disability in such cases and with reference to that provision of the Workmen's Compensation Act the learned Adjudicator observed as follows: "I think it will be agreed that in all cases where State legislation secures certain advantages to certain sections of the community, and imposes burdens on other sections of the community, an improvement of the conditions or advantages already gained should be secured through further amending legislation so that such advantages may be obtained equally by all those who are entitled to them and that the burden which the granting of such advantages places on others may also be equally imposed on all of such persons. There is, of course, no objection to the particular employer granting greater or more generous concessions than those imposed upon him by legislation provided that he does so of his own free will, but the burden of granting such additional concessions cannot be imposed upon him by his employees or by any third party." With reference to the principle involved in the award referred to, it is contended on behalf of the Indian Jute Mills' Association that the Tribunal is not entitled to impose any heavier burden on the employer by giving a direction for the reduction of the working hours, and if there is any need of further reduction of the working hours, such need should be met by legislation and not by adjudication by a particular Tribunal in respect of a particular industry or concern. On the other side the learned Advocate for the Jute Mills Workers' Federation has argued that Mr. Justice Divatia's view on the subject is quite distinguishable from our present case in so far as section 4 of the Workmen's Compensation Act makes a mandatory provision as regards the scale of compensation which an employer would be compelled to pay, whereas in our case a question of reducing the working hours to a figure below 48 does not militate against the spirit of the provisions of section 34 of the Factories Act. From this point of view it is contended by the learned Advocate that our present case is distinguishable from the case which Mr. Justice Divatia was dealing with. As we have already indicated, it is not necessary for us to decide the question of law raised before us. We pass on to consider the merits of the subject involved in the demand.

11(3). The Bengal Chatkal Mazdoor Union has claimed that the maximum number of hours of work for an adult in a jute mill should be fixed at 40 per week and that no exemption such as is contemplated under section 44 of the Factories Act, should be permitted in respect of the existing

maximum of 48 hours as provided by section 34 of the Factories Act. The Howrah Zilla Chatkal Mazdoor Union has also demanded a 40-hour week. As already noticed, the number of hours of work per week was reduced from 54 to 48 by an Amending Act of 1946. Sri Indrajit Gupta spoke at length, during the hearing, on the subject of industrial fatigue and the incidence of occupational diseases. He referred to certain statements filed by the Indian Jute Mills' Association on the subject of attendance of patients at different dispensaries attached to some jute mills, and contended that there was an increase in the incidence of diseases. It cannot, however, be made out as to how many of the patients attending these dispensaries came from outside the mills, as we understand that outsiders are also permitted to attend the mill dispensaries. It cannot also be made out as to how far the diseases were caused by the alleged long hours of work. We do not think the figures of attendance at mill dispensaries can be of any assistance with regard to this matter. Our attention has been drawn to the Government Memorandum in connection with the 7th Labour Conference held in November 1945, pages 28 and 29, on the subject of reduction of working hours under the Factories Act. Some portions of this Memorandum are on the following lines:—"The reduction in the hours of work in factories to reasonable limits is needed not only for securing for the workers humane social conditions and adequate leisure to enable them to improve their standard of living but also for increasing the efficiency of industrial labour. Instances are not wanting where reduced hours lead to increased production. There is evidence that where hours of work were increased from 9 to 10 in the Textile Industry at Ahmedabad, production dropped and the 9-hour day had to be restored. On the other hand when the Indian Jute Mills' Association reduced the working hours from 60 to 54 in view of reduced demand for the products in the exports market it was found that production hardly fell at all. The First International Labour Conference held at Washington in 1919 adopted a Convention limiting the hours of work in industrial undertakings to 8 hours in the day and 48 hours in the week. The Convention was unconditionally ratified by 18 States but by a special Article the Government of India was allowed to adopt a 60-hour week having regard to the conditions then prevailing in the country. The Article, however, concluded with the words "Further provision limiting the hours of work in India shall be considered at a future meeting of the General Conference." Notwithstanding the 60-hour week permitted by the Convention, the Royal Commission on Labour in India (1929-31) as a result of their investigation recommended for perennial factories a 54-hour week. .... These recommendations were incorporated in the Factories Act, 1934. The result of the working of the 54-hour week as stated already has amply justified this reduction of the hours of work. ..... It is considered that the present is an opportune moment for taking up this question of a 48-hour week". Early in the year 1946 the Government of India Labour Investigation Committee was considering this subject of working hours, and on page 143 of the Main Report the Committee has made certain observations on the following lines:—"Curtailment in working hours can be profitably effected only up to the point beyond which returns begin to suffer and we are not sure if that point is yet reached in India." Later on in the same paragraph, the Committee observes as follows:—"We are glad to note in this connection that the Government of India have taken the initiative and introduced legislation reducing the hours of work to 48 per week in all concerns subject to the Factories Act." What the 7th Labour Conference of November 1945 was aiming at or what the Labour Investigation Committee was expecting to see early in 1946, was eventually achieved in fact by the Factories (Amendment) Act X of 1946 and the number of hours of work per week was actually reduced from 54 to 48. At the present

moment we are not very far from the date on which the Amending Act brought about this reduction in the number of working hours. The pertinent question before us sitting on this Tribunal is whether there are any circumstances to justify our interference with the maximum number of hours of work as provided for by section 34 of the Factories Act, 1934, with reference to the Jute Textile Industry alone. It is noticeable that section 51 of the New Factories Bill also provides for a 48-hour week. We are not quite sure that further reduction of the number of working hours at this stage will not adversely affect the standard of production. On giving very careful consideration to all aspects of the question we come to the clear conclusion that no satisfactory case for directing a further reduction in the maximum number of working hours has been made out by the Unions. We are, therefore, unable to give any direction on the subject and we make our award accordingly.

ISSUE No. 11.—Abolition of Contract Labour and Sardar System.

12. We pass on now to Issue No. 11 on the subject of abolition of contract labour and the Sardar system. This issue is obviously to be dealt with under two distinct heads, namely, (1) contract labour, and (2) the Sardar system. We shall take the subject of contract labour first. In their written statements the Jute Mill Workers' Federation and the Bengal Chatkal Mazdoor Union demanded immediate abolition of the system of employment of labour through contractors in the jute mills in Bengal. The Bengal Chatkal Mazdoor Union has stated that workers employed by contractors are victims of exploitation at the hands of the latter and they seldom receive their full wages at the time of payment. The Indian Jute Mills Association in its written statement states that it is in complete agreement with the Unions on the point that contract labour should be abolished, and it is pointed out that endeavour has been made for some time past to eliminate the contract system of employment of labour and that efforts in this direction have been successful to a considerable extent. It is stated that in 1940 there were 7,914 workers employed under contractors and in 1947 there were only about 3,000 such workers employed in the mills. It is observed that the Association is anxious to see the disappearance of the contract labour system and is agreeable to devise ways and means to achieve this end as expeditiously as possible.

12(1). Contract labour is employed in the jute mills for unloading of raw jute and loading of finished products. Although this is an essential process in the working of the jute mills, this part of the work is delegated to contractors who employ their own labour for the purpose. The Report of the Royal Commission on Labour in India (1931) adversely commented on the employment of contract labour in the Mining Industry and the remarks made by the Commission on page 119 of the Report are equally applicable to the subject of employment of contract labour in the Jute Textile Industry. Some of the relevant remarks are on the following lines—"We have found it to be generally true that workmen employed by salaried managers, who are personally responsible for their workers, receive more consideration than those employed by contractors. We believe that whatever the merits of the system in primitive times, it is now desirable, if the management is to discharge completely the complex responsibility laid upon it by the law and by equity, that the manager should have full control over the selection, hours of work and payment of the workers." Some of the remarks made by the Government of India Labour Investigation Committee on pages 83 and 84 of the Main Report are also pertinent. We agree with the Committee's observation that "the contract system undoubtedly enables the principal employer to escape most of the provisions of the Labour Acts."

The Bihar Labour Enquiry Committee have also condemned the system of recruitment through contractors who, according to the Committee, ordinarily "lack the sense of moral obligation towards labour which the employers or their managers are expected to have and therefore do not even hesitate to exploit the helpless position of the labour in their charge." We agree generally with the spirit of these observations in connection with the system of employment of labour under contractors. There can be no doubt that the presence of the contractor between the principal employer and the workers considerably diminishes the direct responsibility of the principal employer in respect of the conditions of employment, hours of work and wages of the workers. Another serious defect of this system is that the contractor usually makes a profit out of the payments received from the principal employer and the workers are to that extent deprived of their remuneration, and the process of profit-making indulged in by the contractor results in sweating of labour. In course of the hearing of the issue on 5th January, 1947, the Indian Jute Mills Association agreed to abolish the contract labour system within 3 months. It is hoped that the system has already been abolished in all the mills. We direct that the system of employment of contract labour in the jute mills concerned for the purpose of unloading and loading of raw jute and finished products or for any other essential process in the manufacture of jute products shall be abolished forthwith, if it has not already been abolished, and all labour for such work shall be employed directly by the management of the mills.

12(2). We now proceed to discuss the second part of the issue relating to the Sardar system. Among the Unions appearing before the Tribunal, the Howrah Zilla Chatkal Mazdoor Union has demanded that the Sardar system should be abolished. The Sardar system means the recruitment of labour through sardars. In the early stages of the Jute Textile Industry the sardars were employed as recruiting agents to overcome the difficulties arising from dearth of labour. There has been a system in the jute mills to depend upon the sardar as an intermediary for establishing contact with labour for the purpose of recruitment. The objection is to the function of the sardars as recruiting agents and as persons who exercise considerable influence in the matter of appointment or discharge of workers. There is, however no objection to the sardars functioning as supervisors or foremen in the different departments of the mills.

12(3). The Indian Jute Mills' Association has stated in its written statement that the evils of the Sardar system have already engaged its attention and it has been trying to eliminate the abuses of the system for some time past. It is also stated that reforms have been practised in this direction in a great many mills and that their beneficial effects would have been more in evidence to-day had it not been for the strain of the years of war. It is further stated that Head Sardars have been entirely eliminated in a number of mills.

12(4). The evils attendant on the system of recruitment of labour through an intermediary were noticed by the Royal Commission on Labour in India and the Commission has condemned the system on pages 23 and 24 of the Report, with regard to its general undesirable features including the temptations to which the intermediary Sardar is exposed and the evils of corruption and exploitation. The sytsem has been similarly condemned by the Government of India Labour Investigation Committee on pages 7 and 80 of the Main Report. The position is that the sardar is not only a recruiting agent but is also a supervisor or a gangman who is both a sub employer and a worker sharing the income with other workers. As the Sardar is also a departmental Foreman, he may exercise considerable

unwholesome influence on the management in the matter of appointment and discharge of permanent and temporary workers and this influence has often to be purchased or avoided with money or other gratifications in kind.

12(5). The Indian Jute Mills' Association has stated that Line Sardars or Foremen should be continued, while it agrees to abolish forthwith the system of recruitment of labour through the sardar or the employment of labour with his recommendation. The Unions concede that they do not demand the withdrawal of the supervisory duties of Sardars, but they are only anxious to get rid of the Sardars' official connection in the matter of recruitment of labour and of appointment or discharge of workers. We therefore find no difficulty in coming to a conclusion on the subject as all parties have agreed on the central factor in the issue.

12(6). It has been pointed out by the Association that there are Labour Bureaus in many of the mills of a considerable size, and that the function of the bureau is to advise the management in the matter of appointment or discharge of the workers in the mill. The recruitment of labour is being made through the labour bureaus which have been established in many mills. We find useful information on the subject on pages 9 and 14 in the Report on an Enquiry into Conditions of Labour in the Jute Mill Industry in India by S. R. Deshpande. It appears that the departmental heads do not always employ the persons recommended by the labour bureaus but suggest instead the names of other persons of their choice, and in many cases the Labour Officers are not vested with sufficient powers and they are apt to become mere tools in the hands of the supervisory staff. It appears that the influence enjoyed by the supervisory staff reacts unfavourably on the system of work in the labour bureau and that in spite of the appointment of Labour Officers and the establishment of labour bureaus, the system of recruitment leaves much to be desired as the Labour Officers are in practice subordinate to the Managers whose tendency is to support the subordinate supervisory staff controlling the different departments.

12(7). We hold that the employment of Sardars as Line Sardars or Foremen or members of the supervisory staff generally may continue. The Unions demand the abolition of the Sardar system, that is to say, the system of employment of Sardars for recruiting labour or of vesting Sardars with powers of interfering with the appointment or discharge of workers, permanent or temporary. The Indian Jute Mills' Association has agreed that the proposed abolition should take place without delay. We accordingly direct that the Sardar system, as defined above, be abolished forthwith in all the mills concerned. We further recommend that a labour bureau should be established in every jute mill as soon as practicable, if it has not already been established, and all appointments of permanent and temporary workers should be made by the management as far as practicable in accordance with the recommendations of the Labour Officer, if any, in charge of the bureau.

ISSUE No. 12.—Standing Orders and Rules of Service; Security of Service: Probationary Period.

13. We now pass on to consider Issue No. 12 relating to—

(*a*) standing orders and rules of service,

(*b*) security of service, and

(*c*) probationary period.

It is necessary at the outset to explain the implications of the division of this issue into sub-issues. "Rules of Service" apparently include such subjects as Standing Orders, Security of Service and Probationary Period.

They also include rules regarding leave and holidays and in fact many subjects which are connected with the terms of employment and conditions of labour. Yet, under the issue which we are considering, the expression "Rules of Service" has been used in some sort of contra-distinction with "Standing Orders", "Security of Service" and "Probationary Period". The issue was arranged in this manner in order to bring out the real points of dispute between the parties, and also to obviate certain procedural difficulties arising out of the provisions of the Industrial Employment (Standing Orders) Act XX of 1946. Under this Act "Standing Orders" means rules relating to matters set out in the schedule appended to the Act. In the schedule only some of the possible terms of employment and conditions of labour have been included. The appropriate Government is authorised to provide for additional matters to be included in the schedule, and to make rules in that behalf. The Government of Bengal, and, since after the partition of the country, the Government of West Bengal have not made any rules prescribing additional matters to be included in the schedule. The position, therefore, is that only such of the rules of service as relate to matters set out in the schedule can be properly described as standing orders liable to be certified under the Industrial Employment (Standing Orders) Act XX of 1946. Of the rules of service which cannot strictly be said to be standing orders under the Industrial Employment (Standing Orders) Act there are some which are subject matters of other issues which had to be framed separately in the light of their importance. The Unions appearing before us appeared to attach considerable importance to the items of "Security of Service" and "Probationary period" and these were, therefore, shown under separate sub-issues. The matters which were actually discussed during the hearing under the subjects of "Rules of Service", "Security of Service" and "Probationary Period" were such matters as cadre of permanent posts, appointment as permanent workmen, effect of transfer of ownership of mills and of changes in the managing agency on continuity of service, registration for work as *badlis*, appointment of registered *badlis*, etc. The representatives of the Labour Unions referred, during the hearing, to the dispute over the rules of service between the Unions and the Indian Jute Mills' Association. The Association appears to have framed certain rules of service which were intended to be given effect to from 1st July 1945 and which have been reproduced as Appendix IV on pages 59-62 in S. R. Deshpande's Report of an Enquiry into Conditions of Labour in the Jute Mill Industry in India. The Unions considered the Association's draft rules to be quite unsatisfactory and inadequate and, in view of their protests, the Government of Bengal formed a Trade Unions Jute Advisory Committee. This Committee drew up an agreed draft which was submitted to the Labour Commissioner on the 2nd January 1946, prior to the passing of the Industrial Employment (Standing Orders) Act. The Indian Jute Mills' Association did not accept the agreed draft as framed by the Committee. It appears that the draft Standing Orders framed by the Association have not yet been certified under the provisions of the Industrial Employment (Standing Orders) Act. The dispute was thus in existence when this Tribunal was set up on the 15th August, 1947. The Unions accordingly brought up the dispute before the Tribunal for adjudication. Dr. Waight, Counsel on behalf of the Indian Jute Mills' Association, contended that this Tribunal had no jurisdiction to frame the Standing Orders in view of the law involved in the Industrial Employment (Standing Orders) Act, and in any case the Tribunal should not, by framing the Standing Orders, interfere with the right of the employers to frame their own Standing Orders by applying their own ideas of fairness and reasonableness to the subject. The learned Counsel also pointed out the implications of section 5(2) of the Industrial Employment (Standing Orders) Act and contended that by imposing a set of Standing Orders on the parties concerned the Tribunal would deprive the Trade Unions also of their right

get an opportunity of being heard. We consider these objections put forward by Dr. Waight in the light of the provisions of the Industrial Employment (Standing Orders) Act to be unsubstantial. It is quite clear that the difference between the employers and the workmen over the rules of service is historically old, and the view-points of the parties cannot be easily reconciled. The rules of service, which have been agitated before us, are undoubtedly matters connected with the terms of employment or with the conditions of labour of the workmen, and any dispute over such matters must be held to be an industrial dispute within the meaning of section 2(*k*) of the Industrial Disputes Act, 1947. This Tribunal has, therefore, ample jurisdiction to deal with and adjudicate upon this industrial dispute, and we cannot legitimately refuse to exercise the jurisdiction vested in us as a Tribunal, merely because, had there been no such dispute, the parties have certain rights derived from the provisions of the Industrial Employment (Standing Orders) Act. The rights of the parties under the Industrial Employment (Standing Orders) Act must be held to be restricted by the circumstances arising from the existing industrial dispute, which we consider it to be our duty to try to resolve. It is true that the Industrial Disputes Act, 1947, does not abrogate any of the provisions of the Industrial Employment (Standing Orders) Act of 1946. It is to be noted further that there is nothing in the Industrial Employment (Standing Orders) Act which precludes this Tribunal from considering the subject of Standing Orders as an industrial dispute. We are not fundamentally concerned with the question of procedure for certification of the Standing Orders under the Industrial Employment (Standing Orders) Act, but we are concerned with the question of adjudicating upon the industrial dispute with which we are confronted. We do not think the procedure as laid down in the Industrial Employment (Standing Orders) Act is hit at all, if, under the compelling authority of an award made by the Tribunal, the employer is forced to submit the Standing Orders as framed by the Tribunal for certification to the proper authority, and the employees are prevented from raising any objection under section 5(*2*) of the Industrial Employment Standing Orders) Act. We hold that this Tribunal has ample jurisdiction to adjudicate upon the industrial dispute and to deal with all rules of service including what may technically be called "Standing Orders" within the meaning of the Industrial Employment (Standing Orders) Act, and we consider it our duty to frame Standing Orders apart from other rules of service.

(36) In framing the Standing Orders we have decided for the sake of convenience to all concerned, to restrict ourselves to the items given in the schedule to the Industrial Employment (Standing Orders) Act, and we shall deal with the other rules of service separately. The question has arisen, during the hearing, as to what should be the basis of our consideration with regard to the matter of framing the Standing Orders and other rules of service. The Bengal National Chamber of Labour has urged the acceptance of the rules drafted by it, which appear to have been adopted, with certain alterations, from the draft rules framed by the Trade Unions Jute Advisory Committee. The Bengal Chatkal Mazdoor Union has urged the acceptance of the latter rules, which however have not been presented to us for consideration. The Jute Mill Workers' Federation has submitted detailed drafts of their suggestions by way of supplementary statements. On the other hand the Indian Jute Mills Association has pressed for acceptance of the Association's draft rules. Apart from these, we have got the Model Standing Orders framed by the Government of India under the Industrial Employment (Standing Orders) Act. It is noticeable that there are yet no model rules framed by the Government of West Bengal. After hearing all the parties we came to the conclusion that we would take the model rules as the basis of our consideration, and then co-ordinate the draft rules of the

Indian Jute Mills' Association and those submitted for our considerati by the Unions. Having pursued this procedure and having heard the poin of view of all parties with regard to each item in an elaborate manner w have framed the Standing Orders and also the other rules of service whic come under the headings "Rules of Service", "Security of Service" an "Probationary Period". The Standing Orders framed by us will be foun in the First Part of Appendix VIII under this Award, and the other rul of service will be found in the Second Part of the same Appendix which wi form a part of our Award. As we have already indicated we have large followed the Model Standing Orders framed by the Government of India but we have on some occasions deviated from them when we have found necessary to do so. In some instances we have resorted to an adaptatio of the draft rules of the Indian Jute Mills Association, and in othe instances we have paid attention, as far as we could, to the suggestion given by the different Unions. The Standing Orders and other rules o service framed by us as per Appendix VIII will speak for themselves. I may, however, be useful to state briefly some of the reasonings which hav weighed with us in coming to conclusions in the matter of giving final shap to the Standing Orders and other rules.

13(2). We proceed to deal with certain points relating to Standing Orders first. Paragraph 1 of the Standing Orders is on the subject of th date on which they shall come into force. The date shall be identical with the date on which our Award will come into force. In paragraph 2(a) of the Standing Orders we have decided to include probationers and apprentices in the categories of workmen on the lines followed in the Model Standing Orders. We are of opinion that in suitable cases there should be a period of observation and training before a workman may be appointed permanently. As paragraph 2 aims simply classifying workmen we have not indicated under this paragraph the particular sections of work to which the system of probationers should apply. We have preferred to do this under paragraph 2 with the heading "Appointment as permanent workmen" under Other Rules of Service in the Second Part of Appendix VIII. It will appear from the latter that probationers will ordinarily be required for the clerical staff and in the Engineering Section and for appointment as Line Sardars. We make it clear that it is not incumbent that every person must necessarily pass through a period of probation before being confirmed as a permanent workman, and there will be no bar to a person being appointed directly as a permanent workman without being made a probationer, except in the cases we have specifically enumerated in paragraph 2 of the Second Part of the Appendix VIII. In paragraph 3 of the Standing Orders we have provided for Service Cards, Employment Books and Service Card Registers substantially following the Indian Jute Mills' Association's draft. The form of Service-record Cards and Employment Book, which should be identical in particulars, has been adapted, with slight modifications, from the I.J.M.A. form found in Appendix III at page 58 of S. R. Deshpande's Report on an Enquiry into Conditions of Labour in the Jute Mill industry in India. The form adopted by us will be found in Appendix IX under this Award. As regards paragraph 6 relating to Publication of Wage Rates, the representatives of the Unions suggested that they should be displayed not only on notice boards maintained at or near the main entrance of the establishment and at the time-keeper's office, if any, but also on notice boards fixed in all departments of the establishment. We do not think that this additional exhibition of wage-rates in all departments is really necessary. As regards paragraph 7 relating to Shift-Working, the Indian Jute Mills Association objected to our dealing with the subject on the ground that the Tribunal has been restrained by an order of the High Court of Calcutta from dealing with Issue No. 9

lating to the Procedure for Retrenchment and Payment of Compensation. 'e hold that this contention of the Association is unsubstantial and ntenable in so far as the subject before us is quite distinct from the subject-atter of Issue No. 9. We have, therefore, framed a Standing Order lating to Shift-Working under paragraph 7. In paragraph 8 we have rgely accepted the draft of the Indian Jute Mills Association. We have en unable to accept the suggestion of the Labour Unions to the effect at there should be a grace period of 15 minutes for late-comers, as we re of opinion that any acceptance of the suggestion would amount to ncouragement of unpunctuality and slackness. We think that with a asonable amount of effort the Standing Order as we have framed will not perate harshly against the workmen. As regards paragraph 9 relating to eave and Holidays we have largely followed the Model Standing Orders amed by the Government of India with suitable modifications. We are t opinion that the draft of the Indian Jute Mills Association is less avourable to the workmen as no allowance is made there for overstay of eave. As paragraphs 9 and 10 of the Model Rules deal with subjects oming under the same item in the schedule to the Industrial Employment Standing Orders) Act, we have thought it proper to combine the subject-natters of paragraphs 9 and 10 of the Model Rules in our paragraph 9. Paragraph 10 of the Standing Orders relating to Requirement to enter Premises by Certain Gates and Liability to Search has been largely adapted rom the draft of the Indian Jute Mills Association on the subject which loes not appear to have been dealt with in the Model Rules at all. We ave introduced slight changes in the Association's draft to meet the riticism offered by the Unions as far as practicable. In framing paragraph 1 of the Standing Orders relating to Payment of Wages, we have omitted aragraph 11(2) of the Model Standing Orders which we consider to be nappropriate, and we have substituted part of paragraph 9 of the draft f the Indian Jute Mills' Association, which has been agreed to by the okesmen of the Unions. Paragraph 12 relating to Stoppage of Work has een drafted in conformity with our Award in respect of Issue No. 8 on he subject of Payment for Period of Involuntary Unemployment. In aming paragraph 13 relating to Termination of Employment we have hought fit to introduce certain new features which have no reference to any f the draft rules placed before us, and we have fixed notice periods in ccordance with what we have thought to be just and reasonable. As gards paragraph 14 relating to Disciplinary Action for Misconduct we ave adapted materials from the Model Standing Orders and from the draft f the Indian Jute Mills Association, in the light of the views expressed by he representatives of the Unions during the hearing. We have made no ttempt to define "Habitual Misconduct", as in our opinion, it defies efinition. In framing the item (*e*) (*vi*) under paragraph 14 we have orrowed entirely from the Model Standing Orders, and we have found urselves unable to modify the language in the light of the criticism offered y the spokesmen of the Unions, and we have left it for the law in force or the time being to define what is an illegal strike. In paragraph 14(*e*) e have laid down the procedure for taking disciplinary action. Paragraph 5 of the Standing Orders provides for complaints and appeals. We have een unable to accept the suggestion of the Unions to the effect that a joint board of employers and employees should deal with such matters, nasmuch as such an arrangement might come in conflict with the employers' ormal rights in this behalf, under the existing conditions of relationship etween employers and employees.

13(3). We next take up the subject of the Other Rules of Service including the items of "Security of Service" under Issue No. 12(*b*), and "Probationary Period" under Issue No. 12(*c*). For the sake of convenience

we have considered all these things together. The rules we have fram are set forth in the Second Part of Appendix VIII under this Award, as w have already indicated. Though it was represented to us that a system probation was not much in vogue at present and there was need to introduce such a system, we have decided to introdu a system of probation with regard to certain categories employees, which will be found in paragraph 2 under the heading "Appoin ment as Premanent Workmen". The rules of service we have framed w largely speak for themselves. With regard to *badlis* we have large accepted the Labour Bureau Rules of the India Jute Company, Limited, whi were placed before us during the hearing, as we consider them to be fair a reasonable. We hold that the contention of the Indian Jute Mills' Assoc tion to the effect that the framing of a rule relating to a cadre of permane posts is intrinsically connected with the subject of retrenchment under Is No. 9 which we are precluded from considering by virtue of a prohibito order issued by the High Court of Calcutta, has no substance. We are opinion that this matter constitutes an industrial dispute of a different natu and this Tribunal has ample jurisdiction to deal with it. It is not necessa for us to go into further details about the Other Rules of Service which have framed as per the Second Part of Appendix VIII.

ISSUE No. 13.—Rules of Leave, Maternity Leave, Holidays.

14. We next take up issue No. 13 relating to rules of (*a*) leav (*b*) maternity leave, and (*c*) holidays. The Unions appearing before have laid great stress on the question of industrial fatigue and the need giving facilities for rest and recoupment of health in the cases of all clas of employees. It has been urged before the Tribunal that the existi facilities for leave and holidays are extremely meagre, and more extens provisions should be made. All the Unions appearing before us ha demanded privilege leave for one month in a year for all classes of employe As regards casual leave, sick leave, and festival holidays in a year demands are of a varying nature. The Jute Mill Workers' Federation h asked for casual leave for seven days, sick leave on full pay for fifteen da and on half pay for fifteen days, and festival holidays for twelve days. T Bengal Chatkal Mazdoor Union has asked for casual leave for fifte days, sick leave on full pay for fifteen days and on half pay for fifteen da and festival holidays for eighteen days. The Bengal National Chamber Labour has demanded casual leave for ten days, sick leave on full pay fifteen days, and on half pay for fifteen days, and festival holidays eighteen days. The Howrah Zilla Chatkal Mazdoor Union has asked casual leave for fifteen days, sick leave on half pay for fifteen days and gazetted holidays. The Bansberia Jute Mill Employees' Union has dema ed casual leave for fifteen days, and sick leave on full pay for one mon on half pay for two months, and without pay for three months. We m state here the existing system with regard to leave and holidays. regards manual and clerical employees who are "workers" within meaning of section 2(*h*) of the Factories Act, every Sunday is to be obser as a weekly holiday, or a substitute holiday must be given under the pr sions of section 35 of the Act. Apart from this, section 49B of the Factor Act lays down that every adult worker, manual or clerical, who has co pleted a period of 12 months' continuous service in a factory shall be allow during the subsequent period of 12 months, holidays for a period of 10 con cutive days inclusive of the day or days, if any, on which he is entitled a holiday under section 35, and these statutory holidays are allowed to carried forward, wholly or in part, to a succeeding period of 12 mont These privileges under the Factories Act are, however, available to th

nployees who are "workers" within the meaning of the Act, that is to say, rsons employed in any manufacturing process, or in cleaning any part of e machinery or premises used for a manufacturing process or in any other nd of work whatsoever incidental to or connected with the manufacturing ocess or connected with the subject of the manufacturing process, and not ersons solely employed in a clerical capacity in any room or place where manufacturing process is being carried on. The abovementioned provi- ons of the Factories Act do not, therefore, apply to clerical employees ho are employed in any office room not connected with any manufacturing rocess, or to manual employees like durwans, mahs, drivers and members f crews of boats and launches, and perhaps some others. Apart from the atutory holidays allowed to "workers" under the Factories Act the mployers in jute mills generally allow six festival holidays in a year, resumably to all employees. As to the employees who do not come strictly ithin the category of "workers" under the Factories Act, there is no clear formation before us, except that the Bansberia Mill Employees' Union hich represents clerks, compounders and Gurkha durwans working in a rticular mill, namely, the Ganges Manufacturing Co., Ltd., Bansberia, as placed before us some information about the existing leave rules appli- able to the clerical staff in that particular concern. From the statement ubmitted by the Bansberia Mill Employees' Union, we gather that so far as he clerical staff is concerned, each employee is allowed twenty-one days' rivilege leave on full pay in a calendar year, and on production of a medical ertificate from the mill doctor, sick leave on full pay for fifteen days and half pay for thirty days may be allowed in one year. It does not appear at any further data with regard to the employees in different mills, other an those who may be called "workers" under the Factories Act, have been ade available to us. We are, however, asked by the different Unions to xtend the privileges regarding leave and holidays to the extent which we ave indicated above.

14(1). The Indian Jute Mills' Association, in its written statement, has dmitted that this question of leave and holidays is a fit subject for being djudicated upon by the Tribunal. In course of the hearing, however, h Waight, Counsel for the Association, seemed to suggest that the ribunal was not entitled to go beyond the provisions of the statute. In ther words Dr. Waight has contended that the privileges regarding leave, tc., should be confined to what the Factories Act has already provided for nd this matter should be left to the Legislature and the Tribunal should ot interfere, and even cannot interfere. We are unable to accept any uggestion that the Tribunal is not empowered to make an award regarding ave and holidays, irrespective of the provisions of existing statutes. The emands in respect of leave and holidays have given rise to differences etween the employers and the workmen, and these differences are obviously onnected with the terms of employment and the conditions of labour, and herefore, they constitute industrial disputes. That being the position this ribunal has ample jurisdiction to deal with the matter. The Tribunal f course will not interfere with the provisions of existing statutes, ut there is absolutely no bar to the Tribunal's extending the privileges which he statutes confer, provided that such arrangements are not inconsistent ith the statutory provisions. We are, therefore, of opinion that we are ntitled to evolve a system of leave and holidays, which we may think o be just and proper under the particular circumstances. The only question what we shall consider to be just and proper from the points of view of rious factors like the capacity of the industry to bear the extra burden, e standard of production, etc. While we are of opinion that privileges garding leave and holidays should be extended as far as practicable, we annot be unmindful of the position that such extension of privileges will row an extra financial burden on the employers, and we must deal with

the matter with some degree of caution. The question of the standard production being affected by the facilities for leave has also to be borne mind. After giving very careful thoughts, we have come to the conclus that while the privileges should be extended to some extent, we sho proceed cautiously and we feel that there is little room for very wide ext sion under the circumstances prevailing at present.

14(2). The statutory holidays for ten days in a year which would available to "workers" under the Factories Act are more or less in nature of privilege leave which has been demanded. Leaving aside question of festival holidays for the present, we proceed to consider subjects of privilege leave, casual leave and sick leave. Employees w come within the definition of "workers" under the Factories Act will course get the ten days' statutory holidays in a year. But other employ are not entitled to these statutory holidays. In considering the subject leave, therefore, the employees should be classified into some convenie categories. We think that it will be convenient to divide the employees in the following categories, namely, (1) manual and clerical "workers" und the Factories Act, (2) clerical employees employed in the office, (3) oth manual and clerical employees. In our view the privileges of leave shou be the same for both manual and clerical "workers" within the meaning the Factories Act, as the functions of these two classes of workers are in mately interconnected. The clerical employees who are employed in t office do work which is more or less of a sedentary character and their ca obviously stands on a somewhat different footing. Then there are many employees like durwans, malis, drivers and others who do not come with the purview of the Factories Act but whose case should be considered connection with the question of leave. There may also be clerical employe who are neither "workers" under the Factories Act nor clerks employed the office.

14(3). We shall first take up the case of manual and clerical "worker within the meaning of the Factories Act, that is to say, persons who wo in the different sections of a jute mill including the engineering sectio As we have already indicated these persons are entitled, under the Factori Act, to enjoy Sundays as holidays or other substituted holidays, and also ten days' annual holidays which can be accumulated for two years. In th case of these employees, the question is how much more leave by way o additional privilege leave can be allowed consistently with the capacity o the industry to bear the extra burden and with the maintenance of a prope standard of production. We have come to the conclusion, after giving th most careful thought to the question, that for the present the maximum amount of privilege leave on full pay that can be allowed to the "workers" would be five days in a year, with option to accumulate the same for tw years consistently with the present provisions of the Factories Act and w direct accordingly. We are unable to provide for any casual leave wit pay in the case of these "workers". But casual leave without pay up t ten days in a year may be given to them, consistently with the Standing Orders, and casual leave will not be allowed to be accumulated. Certain observations of the Government of India Labour Investigation Committ on page 373 of the Main Report have attracted our attention. The observa tions are on the following lines:—"Firstly, as our surveys have shown, the main centres of the principal factory industries of the country such jute, cotton and engineering, a large proportion of the labour has th village homes in distant parts of the country entailing long journeys by ra steam-ship and road. In such cases most of these holidays allowed by th Act are likely to be exhausted in the journeys alone. Such journeys entai considerable expenditure and the worker is not likely to undertake the unless he is sure of being able to stay in his village home at least for

airly long period. Thus, to be beneficial from workers' point of view, the aw must provide for accumulation of leave for a much longer period than years, say, for 5 years. Secondly, if facilities are granted to extend such olidays with pay by permitting the workers to tack on holidays without ay for a further period which may be, say, twice as much as the holidays ith pay due, and the worker is assured of his job on his return, such facilities would not entail any serious inconvenience". In these observations he necessity of some period of leave without pay in addition to leave, statutory or otherwise, with pay, has been emphasised. We agree with the iew expressed by the Labour Investigation Committee, and as we feel that the privileges of leave for the "workers" which we have provided for in ddition to the statutory holidays allowed by the Factories Act are not adequate to meet the needs of many "workers" who may be immigrants rom distant places, we are of opinion that some provision for leave without pay should be made, so that the worker concerned may return after spending a substantial amount of leave to his work with confidence that he will be allowed automatically to return to his job. We, therefore, direct that in the case of "workers" within the meaning of the Factories Act, leave without pay up to fifteen days in a year should be allowed, and such leave should be allowed to be accumulated for 2 years.

14(4). We pass on now to consider the case of clerical employees employed in the office, who are not "workers" within the meaning of the Factories Act. These employees are not entitled to the statutory annual holdays provided for by the Factories Act. Their work is more or less of a sedentary character, and is largely allied to the work which clerks in an ordinary office usually do. It is presumed that these employees are given olidays on Sundays, although the Factories Act does not make any provion for them. We direct that clerical employees in the office should be iven holidays on all Sundays, and if they are required to work on any unday, a substituted holiday, more or less on the lines indicated in the actories Act, should be given. In our view, the amount of privilege leave dmissible to clerical employees in the office should be on a better footing, nd casual leave with pay should also be permissible for them. We direct hat clerical employees in the office should be allowed privilege leave with ull pay for twenty-one days in a year, and such leave should be allowed o be accumulated for three years, and they should also be allowed casual eave with full pay up to ten days in a calendar year, consistently with the tanding Orders, and casual leave should not be allowed to be accumulated.

14(5). Then comes the question of manual employees who are not 'workers" within the meaning of the Factories Act and possibly some erical employees who are neither "workers" within the meaning of the actories Act nor clerks employed in the office. In the case of these mployees who may be described as "other manual and clerical employees", e direct that they shall be allowed privilege leave with full pay for fifteen ays in a year, and such leave shall be allowed to be accumulated for two ears. We do not make any provision for casual leave with pay for such mployees but they may be allowed casual leave without pay up to ten days n a year on the same lines as in the case of "workers" within the meaning f the Factories Act. These employees shall also be given holidays on Sundays or substituted holidays on the lines of the Factories Act.

14(6). The next point relates to the subject of sick leave. We find urselves unable to accept the suggestions of the Unions in this respect for he present. We feel, however, that some sort of provision for sick leave hould be made, and we direct that with regard to employees of all descriptions, sick leave on half pay up to fifteen days in a year shall be allowed, on he basis of a medical certificate from the medical officer of the mill or from

a qualified and registered medical practitioner approved by the mill authorities. This direction, however, will hold good till the Employees' State Insurance Act of 1948 comes into full operation, that is to say, till the "sickness benefit" as provided for by section 49 of that Act becomes actually available to the employees.

14(7). The next subject for our consideration relates to festival holidays. It is understood that in the Jute Textile Industry the authorities of all mills are already allowing festival holidays for six days in a year to all categories of employees. This practice is quite independent of the provisions of the Factories Act, and in introducing it the employers have obviously appreciated the need of greater scope for rest and recreation for the employees. We understand that at present festival holidays are usually given on the following lines, that is to say, two days for Durga Puja, one day for Doljatra or Holi, one day for Id-ul-fitr, one day for Id-uz-zoha, and one day for Muharram. We have considered the various demands put forward by the Unions with regard to further extension of festival holidays. We do not think that consistently with the question of maintenance of a proper standard of production we can provide for a larger number of festival holidays to the extent desired by the Unions under present circumstances. We have, however, decided to increase the number of festival holidays to eight from six in a year. We direct that all jute mills with which we are concerned shall allow the following festival holidays in a year to all categories of employees, namely, two days for Durga Puja, one day for Doljatra or Holi, one day for Kali Puja or Diwali, one day for Id-ul-fitr, one day for Id-uz-zoha, one day for Muharram, and one day for Fateha Duazdaham.

14(8). On behalf of the Unions the question has been raised that when an employee is made to work on a holiday he should be given double wages for that day and also a substituted holiday. This principle is sought by the Unions to be applied to Sundays, to statutory annual holidays and also to festival holidays. As regards Sundays, the Factories Act lays down with regard to "workers" that they must be given as holidays, or in case where that cannot be done, substituted holidays must be given. With regard to holidays of this nature we do not agree that the claim for double wages is really justified. The statutory annual holidays, when asked for by the employee concerned, must be given by the employer at some time or other. We therefore do not agree that there is any justification for the demand regarding double wages in respect of these statutory holidays. The question of an employee being made to work on a festival holiday, however, stands on a different footing. The significance of a festival holiday is lost when an employee is made to work on the day of the festival. It is understood that at present when such an arrangement happens, the employee is paid double wages for the day or in the alternative is given a substituted holiday. In our view this arrangement is not unfair, and we direct that when an employee is made to work on a festival holiday he should be given double wages for the day, or a substituted holiday, according to the employee's choice.

14(9). It is now necessary to define the expression "leave on full pay" and "leave on half pay". As regards the statutory annual holidays under section 49B of the Factories Act, employees governed by that Act will be entitled to pay for the annual holidays in accordance with section 49C of the Act. The question of full pay arises with regard to the additional privilege leave for manual and clerical "workers" within the meaning of the Factories Act, the privilege leave for twenty-one days with regard to clerical employees employed in the office and privilege leave for fifteen days with regard to other manual and clerical employees, and also with regard to casual leave for those who are entitled to such leave with full pay under our award.

he question of half pay arises, under our award, with reference to sick ave. With regard to this matter we give the following directions:—"Full y" shall mean wages at a rate equivalent to the daily average of the ployee's basic wages for the days on which he actually worked during the ceding three months, exclusive of any earnings in respect of over-time, us the full amount of dearness allowance proper as defined in our award nder Issue No. 6, and shall also include the privilege of drawing rations concession prices or the cash equivalent of such food concession, which- er may be applicable, as determined by us in our award under Issue No. 6, rovided that the privilege of food concession or of the cash equivalent will e available only if the employee concerned does not leave the locality in hich he ordinarily resides while on duty. "Half pay" shall mean wages t a rate equivalent to half of the daily average of the employee's basic ages for the days on which he actually worked during the preceding three onths, exclusive of any earnings in respect of over-time, plus the full mount of dearness allowance proper as defined in our award under Issue o. 6, and shall also include the privilege of drawing rations at concession ices or the cash equivalent of such food concession, whichever may be pplicable, as determined by us in our award under Issue No. 6, provided that e privilege of food concession or of the cash equivalent will be available ly if the employee concerned does not leave the locality in which he dinarily resides while on duty.

14(10). It is possible that in some mills, particularly with regard to erical employees, the privileges of leave and holidays which we have irected to be allowed under our award, may be on a lower level than those ctually being allowed at present. For instance, in the Ganges Jute Mill at ansberia, we are told, sick leave is granted to clerical employees to the xtent of fifteen days on full pay and thirty days on half pay in one year. ircumstances of this character which may prevail in other concerns may ot have been brought to our notice. We do not desire that any privilege garding leave of any character which we have allowed in our award in spect of employees of different kinds in a general way should prove detri- ental to any employee or class of employees at any place. We, therefore, ect that if any employee or employees in any particular jute mill are joying privileges of leave or holidays of any character which are better an those which we have provided for the existing privileges must continue.

14(11) After having disposed of the items of leave and holidays under ems (*a*) and (*c*) under Issue No. 13, we now proceed to consider the question maternity leave under item (*b*). The Jute Mill Workers' Federation has manded maternity leave for three months. The Bengal National Chamber Labour has asked for one month before and forty days after confinement. he Howrah Zilla Chatkal Mazdoor Union has demanded twelve weeks' aternity leave. The Bengal Chatkal Mazdoor Union has generally sup- rted the claim of the Federation. On behalf of the Indian Jute Mills' sociation it has been contended that there is already a statute in operation ith regard to this subject, namely, the Bengal Maternity Benefit Act IV 1939. Section 4 of that Act runs as follows:—(1) Subject to the provi- ons of this Act, every woman employed in a factory shall be entitled to, d her employer shall be liable for, the payment of maternity benefit at e rate of her average daily earnings calculated to the nearest quarter of an na in the manner provided in the sub-section (*2*) or at the rate of eight nas a day, whichever is greater, for the actual days of her absence, which all include holidays and non-working days during the period of four weeks mediately preceding and including the day of her delivery and for the four eks immediately following that day: provided that a woman shall not entitled to maternity benefit unless she has been employed in the factory

of the employer from whom she claims maternity benefit for a period of n less than nine months immediately preceding the day of her deliver (2) The average daily earnings referred to in sub-section (*1*) shall be calc lated by dividing the total wages earned by the woman during the thr months immediately preceding the date on which she gives notice und sub-section (*1*) of section 5 by the actual number of days on which she work during that period." Section 5(*1*) of the Bengal Maternity Benefit Act ru as follows:—"Any woman entitled to maternity benefit under the provisio of this Act,—(*a*) who is pregnant may, on any day, give notice either oral in person or in writing in the form prescribed by rules made under this A to the manager of the factory that she expects to be confined within o month next following and may therein nominate a person for purposes section 6, (*b*) who has not given the notice referred to in clause (*a*) an has been delivered of a child, shall within seven days, give similar noti that she has given birth to a child." We have carefully considered the provisions of the Bengal Maternity Benefit Act in the light of the claims pu forward by the different Unions on the subject of maternity leave. Th question before us is whether the matter really calls for our going beyon those provisions under the present circumstances. The course of legislatio in this direction has proceeded still further since the Bengal Maternit Benefit Act was enacted. We have now the Employees' State Insurance A of 1948, and section 50 of that Act has provided for maternity benefit o substantial character under a scheme of insurance. Section 50(2) of th Employees' State Insurance Act runs as follows:—"Subject to the provisio of this Act, and the regulations, if any, an insured woman who is qualifie to claim maternity benefit in accordance with sub-section (*1*) shall be entitle to receive it at the rate of twelve annas a day for all days on which she do not work for remuneration during a period of twelve weeks of which n more than six shall precede the expected date of confinement." It furth appears from section 61 of the Employees' State Insurance Act that whe a woman is entitled to any maternity benefit provided by that Act, she sha not be entitled to receive any similar benefit admissible under the provisio of any other enactment like the Bengal Maternity Benefit Act. The resu is that when the Employees' State Insurance Act comes into full operatio in respect of a particular woman, she will not be entitled to receive an benefit under the Bengal Maternity Benefit Act, and will be entitled only t such maternity benefit as will be available under the Employees' State Insurance Act. In this state of things we consider it to be totally inexpedie to introduce any different scheme of maternity leave or benefit with regar to women employees who may be employed in a particular industry, namely the Jute Textile Industry. We have, therefore, decided that there shou be no deviation under the present circumstances from the provisions of th Bengal Maternity Benefit Act or of the Employees' State Insurance Act whe the latter Act comes into operation. We, therefore, direct that maternity leave or maternity benefit should be given in accordance with the provisio of the Bengal Maternity Benefit Act of 1939 for the time being, or in accord ance with the provisions of the Employees' State Insurance Act of 1948 whe the latter Act comes into actual operation.

14(12). One other question has been raised in course of the hearing a it relates to a provision for sickness leave in consequence of a miscarriage A miscarriage is certainly not a delivery within the meaning of section 4 the Bengal Maternity Benefit Act, and therefore, a woman worker who ha miscarried is not entitled to any benefit under that Act. The case of a mis carriage, therefore, stands on an entirely different footing and there is n statutory provision for meeting such a case. During the hearing, Dr Waight, Counsel for the Indian Jute Mills' Association, has admitted that

miscarriage may cause a considerable amount of sickness, and he has conceded that the Association is prepared to allow sick leave on full pay, in such a case up to a maximum of two months after the date of miscarriage, on the basis of a proper medical certificate. As the matter has been thus conceded and agreed to by the Unions, during the hearing, we give the following directions. In the case of a miscarriage, sickness leave on full pay shall be allowed to a woman worker up to a maximum of two months after the date of misacrriage, on the basis of a medical certificate from the medical officer of the mill concerned or from a qualified and registered medical practitioner approved by the mill authorities. The expression "full pay" in this connection shall have the same meaning as we have already defined in an earlier part of our award under this issue. This direction will continue to have effect only till the provisions of the Employees' State Insurance Act, 1948, with regard to sickness benefit come into operation.

ISSUE No. 14.—Provision for Provident Fund, Gratuity and Pension.

15. We next pass on to consider the subject of provision for provident fund, gratuity and pension under Issue No. 14. We shall first state briefly the nature of the demands put forward by the different Unions. The Jute Mill Workers' Federation has demanded simultaneous benefits in respect of provident fund, gratuity and pension. It has been suggested that the present scheme of pension introduced by the Indian Jute Mills' Association should continue with certain modifications by way of improvement in the interest of the workmen. The Federation has also urged the introduction of a contributory provident fund, the rate of contribution by the employee and the employer being 8⅓ per cent. of the basic wages. In addition to a pension scheme and a contributory provident fund, the Federation claims the simultaneous introduction of a system of gratuity, to the extent of one month's pay for each year of service to be deposited in the employee's contributory provident fund account. In course of the hearing the learned advocate for the Federation submitted that in so far as it was realised that the benefit of the present pension scheme was not available to a substantial number of workmen, if he was asked to make a preference, he would prefer a scheme of provident fund combined with a scheme for gratuity to a scheme for pension. The Bengal Chatkal Mazdoor Union has not supported any pension scheme at all and has urged that the present scheme for pension may be replaced immediately by (*a*) a provident fund scheme on the basis of equal contributions of 12½ per cent. by the employer and the worker and (*b*) a gratuity system on the basis of one month's wages for every year of service put in. The Bengal National Chamber of Labour has also put forward, in its statement, a claim for schemes for gratuity and provident fund and no pension. The spokesman of the Chamber of Labour, in course of the hearing, pressed for gratuity alone, deprecating both provident fund and pension, on the ground that both of these would be ineffective owing to conditions of insecurity of service. The Howrah Zilla Chatkal Mazdoor Union has asked for a system of pension as well as that of a provident fund. The Bansberia Jute Mill Employees' Union has demanded pension and gratuity. The Indian Jute Mills' Association has contended in its written statement that this subject of retiral benefits is essentially a matter for consideration by the State, in so far as a subject of provision against old age and for the workman's family is a matter for the State and the Legislature to consider, and it is not a fit subject to be adjudicated upon by this Tribunal.

15(1). Before we proceed any further to deal with the subject-matter o the present issue, it is necessary to dispose of a point of law bearing on th question of our jurisdiction which has been raised by the learned Counsel to the Indian Jute Mills' Association in course of the hearing. On behalf o the Association it has been conceded that a dispute regarding both provident fund and pension is an industrial dispute within the meaning of section 2(A of the Industrial Disputes Act, 1947, and, therefore, this Tribunal is competent to adjudicate upon the claims for pension and provident fund I has, however, been seriously contended that the claim for gratuity does no constitute an industrial dispute and consequently this Tribunal has no jurisdiction to deal with it. The line of argument adopted by the learned Counsel on behalf of the Association was practically the same as was done with regard to the question of bonus under Issue No. 7, which we have already disposed of in our Award. The contention is that the payment of gratuity is a matter of grace, and it cannot conceivably be said to be connected with terms of employment or with the conditions of labour so as to make a dispute regarding gratuity an industrial dispute. We do not consider it necessary to go elaborately into this aspect of the point of law regarding our jurisdiction, inasmuch as we have already dealt with a similar subject in course of our Award with regard to Issue No. 7, and we hold that the reasoning we have given while considering that issue will apply to our conclusion with regard to the question of gratuity under the present issue also. We unhesitatingly come to the conclusion that a claim for gratuity is connected with the terms of employment, just in the same way as a claim for pension or for a provident fund. We have no doubt that the entire claim involved in the present issue is an industrial dispute and we have ample jurisdiction to deal with every aspect of the claim

15(2). It will be useful at this stage to give a picture of the present state of things relating to the matter under our consideration We may first refer to certain observations made by Royal Commission on Labour in India (1931), on page 269 of its Report, which run as follows:—"Industrial life tends to break down the joint family system. Those workers, who, at the beginning of their industrial career own a plot of land, are often unable to retain possession, and with the passage of years the connection with the village becomes loosened. Workers in the main are unable to save out of their low earnings against old age. Those in intimate touch with the life of the workers know something of the misery in which many pass their old age. The necessity for making some provision against old age needs no emphasis. A few employers, railway administrations and Government Departments have made provision for some of their workers, either by means of a provident fund or by instituting a system of pensions. It is apparent that in this report it is impossible to make provision for meeting every contingency in the life of the worker, but the importance of this matter being generally admitted, they feel it incumbent to recommend that, until such time as it is found practicable to institute either a general scheme of old age pensions or provident funds for industrial workers, Government should, wherever possible, encourage employers by financial grants or other means to inaugurate schemes of this nature for their employees." We may next refer to certain passages relating to pension and gratuity schemes on page 33 of Sri S. R. Deshpande's Report on an Enquiry into Conditions of Labour in the Jute Mill Industry in India (1946), which run as follows:—"Out of the 101 jute mills in Bengal, only about 22 mills have made some provision for the future of their operatives. This takes the form either of granting old age pensions and/or gratuities. The conditions attached to the grant of pensions and gratuities vary from concern to concern and a worker seems entitled to them only by the nature of the length of his service

ne. The maximum period of service fixed by most of the mills is 30 ars. In one concern only it was found that 15 years' service was a qualify- g period for pension or gratuity. In order to qualify for a pension or a atuity, apart from length of service, the workers have to fulfil conditions, ch as loyalty, spotless character, incapacitation for further work, etc. fore applying for a gratuity or pension workers have to appear before a dical officer of the factory and the decision of the medical officer is final. e scale of gratuity varies from mill to mill. Some mills pay to their rkers, by way of gratuity, two weeks' earnings for each year of service." e may further quote certain observations made by the Government of dia Labour Investigation Committee on pages 360-361 of the Main Report 946), which run as follows:—"The whole problem of provision against l age or death of bread-winners legitimately falls within the sphere of cial security and it is a matter for consideration whether either the ntiation or management of schemes of provident fund, gratuity and pensions ould be left to employers themselves. Of course, so long as there are no hemes of social security introduced in a particular industry or area, the isting private schemes of provident fund, etc., should be allowed to ntinue under the management of employers. The existing schemes in this nnection do not appear to be very liberal, and especially in regard to the nployers' contribution to provident funds of workers the restrictions on ithdrawal of employers' contribution seem to be somewhat unsatisfactory. provision against old age or death of bread-winner is intended to stabilise e industrial worker in employment, the employers' contribution, which is ally in consideration for permanent service by the worker, should as far possible be made available to him on early retirement, etc. The absence social security measures like provident funds, gratuities and pensions in ost concerns has largely contributed to the migratory character of Indian bour, and is one of the most important causes of the large labour turnover factories. .....A few employers have instituted gratuity and pension hemes. The amount of gratuity generally amounts to half a month's ages for every complete year of service put in. In almost all the cases ratuity is payable only to deserving workers of proved good behaviour, the le judge of the deservedness being the employer himself. Hence there is ways scope for discrimination, and the trade unions bitterly complain that eir members are discriminated against. The rate of the gratuity is rogressively reduced if the period of service is less than 20 years. Pension hemes are operated by a very few concerns. The grant of pensions is tirely at the discretion of the employer and the amount is generally nall."

15(3) After having referred to certain observations on the subject to e found in different reports of investigation, we may turn our attention to e system of pension which has been introduced by the Indian Jute Mills' ssociation since the year 1946. The Association's spokesmen have nemously urged the retention of the pension scheme, with certain modi- cations by way of improvement, if necessary. Let us now examine what is pension scheme is. The scheme appears to have been circularised by e Association by a communication, dated the 14th January 1946. In the ircular the Committee of the Association has considered various argu- ents in favour of a system of monthly pensions, and has come to the nclusion that no other form of provision for old age is suitable. Some of he main features of the Association's pension scheme are on the following nes —

"The pension scheme should apply to all classes of mill workers, except lerks and others employed on a monthly basis and receiving the benefit of provident fund.

The qualifying period of service for the pension should be determine by the date of employment and the date of retiral recorded in the mill records.

To qualify for a pension, service must be continuous in one mill, unle as a result of individual arrangements transfer of service within group under the same managing agents is permitted. Continuity of service is n affected by periods of leave taken with the permission of the management in writing, but any employee who absents himself or herself from wo without permission from the management in writing, or for reasons n recognised and accepted by the management as valid, is liable to forfeit an previous period of service which counts as a qualification for the pensio In such a case the new qualifying period will commence from the date o which the employee resumes work after the break in service.

A worker who has completed not less than ten years' unbroken service and who is certified by the mill company's doctor to be medically unfit fo further work through causes outside his control, may receive a proportionat pension on compassionate grounds, and at the sole discretion of the management.

An employee who has been paid a pension, will have that fact recorde in his or her service book, and will be debarred from further employment in any mill in the membership of the Indian Jute Mills' Association

The period of service which will qualify for a grant of a pension shoul be 25 years' service in the case of women, and 30 years' service in the case of men, with a minimum retiring age of 50 and 55 years respectively

The Committee's unanimous recommendation is that the rate of pensio should be Rs.10 per month on the basis of the period of service indicate above."

It is noticeable that practically speaking all the Unions have either condemned the existing pension scheme or have refrained from supporting it. On the other hand, the Indian Jute Mills' Association has insisted on the retention of the pension scheme, with certain modifications, it found necessary. With regard to the question of improvement, the following suggestions have been made, in course of the hearing, on behalf of the Association:-

(*a*) In case of death of a worker who has retired after 30 years' continuous service, payment should be made to the dependants of the balance of pension for a period of 10 years after the worker's retirement

(*b*) If a worker dies after 25 years' continuous service, his dependants should be paid proportionate pension for a period of 10 years

(*c*) Every employee should be entitled to nominate somebody to rece the pension.

15(4). We shall proceed to examine the pension scheme in the lig of the improvements suggested on behalf of the Association. It is noticed that no change in the amount of pension to the extent of Rs.10 per mon is suggested. Further even according to the improved scheme sugges the dependants of a deceased worker will not get any benefit unless worker will have completed at least 25 years' continuous service attention has been drawn to the observations made by the Central Pay Co mission in the concluding lines of paragraph 189 of its Report, in which th Commission has advocated a system of pension. We would observe, howev that every scheme must be judged on its own merits with reference to th

rticular employees in question, and no scheme can be considered to be of iversal applicability. In the very nature of things we must consider the heme of pension in the light of the particular circumstances prevailing in e Jute Textile Industry. Apart from the question that the amount of nsion allowed at present is rather meagre, it appears that there are factors ndicate that the benefit from the present scheme of pension is available to very small number of workers, who may perhaps be called a microscopic nority. In our opinion, a benefit, to be of any effective use, must be ailable to the generality of workers and not to a microscopic section. e conditions of work prevailing in the Jute Textile Industry have their n peculiarities. The Association's pension scheme aims at making a nsion available to a male worker only after he has rendered 30 years' ntinuous service, with a minimum retiring age of 55 years. We wonder w many workers in the history of the Jute Textile Industry have actually npleted 30 years' continuous service, as we cannot fail to notice the large nover prevailing in this industry. In this connection we may usually fer to the table given on page 11 of Sri S. R. Deshpande's Report on an quiry into Conditions of Labour in the Jute Mill Industry in India (1946) connection with the subject of length of service. It appears that figures re obtained from 19 jute mills, and the investigation indicated that the rcentage of workers who had served above 10 years was only 13·51. This ure is also to be found in table 39 on page 97 of the Main Report of the ibera Investigation Committee. Unfortunately, the investigation carried it at that time did not aim at ascertaining the percentage of workers who ad rendered service for more than 20 years or 25 years, or up to 30 years. e do not find any reason to doubt the correctness of the figures which e find in the above Reports. In course of the hearing a statement of the sults of investigation in a similar direction carried out by Mr. Sutherland, eputy Secretary of the Indian Jute Mills' Association, was submitted to e Tribunal, and the figures of percentage of workers who had rendered more an 20 years' service in five specified mills were stated to be as follows:— l per cent. in Gouripore Mill, 9 per cent. in Nuddea Mill, 37 per cent. in idge Budge Mill, 40 per cent. in Delta Mill, and 34 per cent. in National ill. We are not sure whether these five selected mills can be held to be a representative character with regard to the matter under investigation, d the manner in which these five specific mills were selected for carrying t the investigation is unknown to us. Unfortunately, the figures sub-tted with reference to Mr. Sutherland's investigation in respect of only e selected mills do not indicate the number of workers who have actually ached the stage of 30 years' continuous service. It is agreed by the okesmen of the Association that there is no age prescribed for entry into e service of a jute mill and that any arrangement with regard to an age entry being prescribed is impracticable under the conditions prevailing the Jute Textile Industry. That being the position, it is extremely ubtful whether a scheme of pension depending on a retiring age or a mber of years of service is feasible or effective. We think that the scheme pension as it stands now, or even in an improved form, as suggested by e Association, is more or less ineffective in so far as the benefit is not likely be available to a substantial proportion of the workers. Then there is other factor and that is that very few persons manage to live for a sub-ntial number of years after earning a pension, even if they have managed render 30 years' continuous service. We are not unmindful of the argu-nts advanced on behalf of the Association to the effect that some workers likely to dissipate their funds when substantial funds are received by them a lump by way of provident fund accumulations or gratuities and therefore pension scheme affords the most suitable form of retiral benefits in the e of Jute Textile Industry workers. There are pros and cons with regard

to this aspect of the argument and we are not convinced that the line of argument advanced on behalf of the Association can be accepted as the last word on the subject. There is the question of indebtedness of a substantial character with regard to industrial workers generally, and sometimes it may be helpful for a worker, on his retirement, to be able to get rid of such accumulated indebtedness with the help of substantial funds which may be available under a system of provident fund or of a gratuity. On a consideration of all aspects of the question, and on weighing all the advantages and disadvantages, we have come to the unhesitating conclusion that the present scheme of pension is quite unsuitable to meet the needs of the workers in the Jute Textile Industry in so far as it is not giving and is not likely to give, in spite of slight improvements, any tangible benefit to a mentionable proportion of the workers. We, therefore, direct that the scheme of pension now obtaining in the Jute Textile Industry be discontinued forthwith. This direction, however, will not, in any way, affect those workers who have earned or may earn pensions under the existing system before the award comes into operation. Every such worker will be entitled only to the pension earned, and not to any other retiral benefit.

15(5). After having discarded the existing pension system we have naturally to turn our attention to the proposals for introducing a provident fund system and a system of gratuity. We have carefully examined the aspects of the matters involved, and we have come to the conclusion that a contributory provident fund system is the most suitable arrangement in so far as the benefit of such a system will be available to every workman who fulfils the necessary conditions. We have also considered the question of an additional retiral benefit in the shape of a gratuity. We are fixing the rate of contribution with regard to provident fund at $6\frac{1}{4}$ per cent of the basic wages, and we find that it is difficult to be satisfied that the different units in the Jute Textile Industry will all have the capacity to bear the burden of an additional retiral benefit in the shape of a gratuity. In our view the units in the industry should be given an opportunity to adjust themselves to a system of provident fund in the first instance, and time is not yet ripe to introduce a simultaneous system of gratuity by way of additional benefit. We do not say that the two benefits of provident fund and gratuity cannot co-exist. But all that we say is that the whole matter should be examined in the light of experience with reference to the capacity of the different units to bear the burden imposed and progress in the direction of retiral benefits should be of a gradual character, and it is not desirable to impose a sudden heavy burden in the first instance. At the same time we are not unmindful of the position that a provident fund system is yet to come into being in accordance with our award, and the companies concerned will presumably take a little time in introducing the provident fund system in accordance with our direction, and apart from this factor, old employees who have served in a particular concern for a substantial period will not get as much benefit from the provident fund system as new entrants would in so far as old employees will have passed many years of their service without any provident fund benefit at all. The question, therefore, seriously arises for our consideration as to what should be done to meet the cases of such old employees as distinguished from new entrants. On giving careful consideration to the matter we have come to the conclusion that a system of gratuity, which should be more or less of a complementary character should be introduced to meet the needs of old employees and also of employees in general under circumstances of death, retirement on account of superannuation on medical grounds, etc. We want to make it clear that the system of gratuity we are going to introduce does not involve any additional benefit apart from the benefit arising from the provident fund system. The

being the position, this system of gratuity will not impose any extra burden on the employer. We have considered the question as to what should be the rate of gratuity. The Unions appearing before us have asked for gratuity, as an additional benefit, at the rate of one month's wages for every completed year of service. We have examined these proposals from the point of view of the capacity of the industry and of the different units constituting the industry, particularly of those which may be called marginal units, to bear the burden, and we have come to the conclusion that it is not desirable under the present circumstances to fix the gratuity at a rate of one month's wages for every year of service, and it would be advisable to adopt a more cautious scheme and to fix the gratuity, which would of course be of a complementary and not additional character, at the rate of half a month's wages for every completed year of service. It may be argued that a rate of half a month's wages for every year of service means 1 24th of the annual wages, while the employer's contribution of 6¼ per cent. of the wages to the provident fund of a particular employee would amount to a benefit to the extent of 1/16th of the annual wages, and thus an old employee, who would, under the arrangement determined by us, be entitled to a gratuity and, therefore, to a benefit to the extent of 1/24th of the wages, would be at a disadvantage in comparison with a recently employed workman who would be entitled to a benefit to the extent of 1/16th of the wages under the provident fund system. We may answer this difficulty, at least to some extent, by pointing out that under the system of gratuity which we are going to introduce, the rate of wages on the basis of which gratuity will be calculated will be the average basic wages during the last 12 months of service on full wages, and thus the deficiency in the benefit from gratuity as compared with the benefit from the provident fund system, will be neutralised to a great extent. We find it is not practicable to evolve any method of absolute equalisation, and we are satisfied that the arrangements regarding provident fund and gratuity which we are going to make will be fair to all concerned from the practical point of view.

15(6). It is not necessary for us to dilate any further on the details of the Provident Fund scheme we have adopted, as the Rules of Provident Fund set forth in Appendix X, which will form a part of our award, will speak for themselves. It may be mentioned that the Rules of Provident Fund have been adapted, with certain modifications, from the Model Rules relating to Provident Fund for Industrial Employees framed by the Government of India. We direct that the employers in respect of the jute mills concerned in this reference shall introduce the contributory provident fund system defined in Appendix X within four months from the date of publication of this award.

15(7). In the meantime the following system of gratuity in respect of all employees shall come into operation in place of the existing system of pension which has been directed to be discontinued forthwith. The provisions of the system of gratuity shall be as follows:—

(1) *On retirement after continuous service for not less than fifteen years*—Gratuity at the rate of half a month's basic wages for each completed year of service subject to a maximum of fifteen months' basic wages.

(2) *On retirement before completing fifteen years' service by reason of superannuation on medical grounds or owing to any other sufficient cause approved by the employer in this behalf*—Gratuity at the rate of half a month's basic wages for each completed year of service.

(3) *On death*—Gratuity at the rate of half a month's basic wages for each completed year of service (payable to the employee's nominee or nominees or heirs), subject to a maximum of fifteen months' basic wages.

(4) The basis of calculating gratuity shall be the average basic wages, not including over-time wages or any allowances, bonuses or other benefits, during the last twelve months of service on full wages.

(5) For the period for which the Provident Fund has been in operation in respect of an employee, he or his nominee or nominees or heirs will receive the whole amount at his credit in the Fund, including the amount of the employer's contribution, subject to the operation of rule 13 of the Provident Fund Rules as regards deductions, but in calculating the number of years of service for which gratuity will be payable, the period for which the Provident Fund has been in operation in respect of the particular employee shall be deducted from the total period of service.

15(8). We make it clear that the rules regarding provident fund which we have framed shall apply not only to manual workmen, but also to clerical workmen, but if in a particular case any workman is already enjoying a provident fund benefit involving a scale of employer's contribution to the extent of more than 6¼ per cent., the existing scale shall be maintained. We further make it clear that the rules regarding gratuity shall apply to all workmen both manual and clerical, but if in a particular case there exists a benefit of gratuity which, according to the employee concerned, is more beneficial than the system we have directed, he shall be given the option of the existing system being continued. These directions have been necessitated by the position that the information about clerical employees, in particular, placed before us, has been very meagre.

ISSUE No. 15.—Housing and House Allowance.

16. The next subject for our consideration relates to housing and house allowance under Issue No. 15. It will be useful at the outset to set forth briefly the claims put forward by the Unions appearing before the Tribunal and the view put forward by the Indian Jute Mills' Association on behalf of the employers. The Jute Mill Workers' Federation has demanded that the present scheme of quarters for the habitation of workers should be so revised as to provide in every apartment two bed-rooms with a verandah and a separate cook-shed with a chimney, and that every room should have a door and two windows and there should be pipe-water and electricity. The Federation has asked for the abolition of the back-to-back huts with no windows which constitute the vast majority of the workers' houses at the present moment. The Federation has not demanded any house allowance. The Bengal Chatkal Mazdoor Union has similarly condemned the back-to-back huts and has demanded the preparation by the Government in consultation with the employers and workers' representatives of a comprehensive housing scheme for the jute mill labour, which may be financed by Government subsidy as well as by a special fund to which the employers should contribute in the shape of a levied cess. The Union has pressed for a house allowance to the extent of Rs.10 per month for each worker during the interim period. The Bengal National Chamber of Labour has demanded that the employers should be asked to prepare a housing scheme in consultation with the Provincial Government and representatives of labour, and meanwhile a house allowance of Rs.10 per month for each worker should be granted. The Howrah Zilla Chatkal Mazdoor Union has asked for housing

accommodation in general or in the alternative a house allowance of Rs.10 per month. The Bansberia Jute Mill Employees' Union has pressed for adequate house allowance. The Indian Jute Mills' Association has contended that there is no real dispute as regards the question that the present system of housing for industrial labour connected with the Jute Textile Industry is quite unsatisfactory, and there is considerable room for improvement. The Association however contends that this matter is not really a fit subject for consideration by the Tribunal, in so far as it has been settled in Tripartite Conferences, comprising representatives of the Central and Provincial Governments and of the employers and the employees, that the provision of housing for industrial labour would not be made an obligation on the employers alone, although they might have to conform to certain standards of accommodation and sanitation, and it has been further settled that at the most this matter could involve the joint responsibility of the state and the employers, and it was for the State to take the initiative and formulate necessary schemes under which the degree and nature of the responsibility imposed on the employers would be clearly defined. The Association contends that there is no objection to a suitable levy being imposed on the employers towards the fulfilment of the end contemplated. It is pointed out by the Association that the employers have provided accommodation for the workers as far as they could, and at present one-third of the entire labour force in the industry is housed in quarters provided by the employers, and apart from the absence of formulation of any definite workable scheme by the State, further progress in the matter of provision for housing accommodation could not be made owing to lack of space and dearth of building materials. The Association has generally opposed the idea of any house allowance being granted to the workers, in so far as the scales of wages would comprise within themselves an element of the cost of housing accommodation, and further it would be useless to grant any house allowance unless and until houses of the proper type are actually available either within the precincts of the mills or outside.

16(1). At this stage we may try to draw a picture of the housing conditions which prevailed in the jute mill areas a few years ago and which persist even to-day. The extremely miserable condition of housing accommodation has been observed by different Commissions and Committees which have been appointed to investigate the labour conditions in this country from time to time. As early as 1918-19 the Indian Industrial Commission urged the importance of improving the conditions of health and housing of the industrial workers. The Royal Commission on Labour in India started its labours in 1929 and in its Report (1931), at page 270-73 it has drawn a lurid picture of the housing conditions which were noticed at the time. About the employers' schemes in the jute mill areas the Royal Commission observed, among other things, as follows:—"It has been estimated that between 30 and 40 per cent. of the total labour force in these areas is housed by the various Companies. Most of these houses are built in back-to-back rows and consist of one room with a verandah in front in which cooking and washing is done. In the better lines the space between the rows is paved with brick and drained. Windows and roof ventilation are also provided in some types, whilst artificial lighting has been provided to a number of lines..... The municipalities however have failed to make adequate use of the powers they possessed under the Bengal Municipal Act for the improvement of private bustees. While much has been done, the general problem of the housing of the workers is still unsolved. The majority remain unprovided with decent dwellings, and the houses built by the mills are in marked contrast to those in the bustees lying around. Owing to the rapid and extensive development of industries in Calcutta and Howrah areas, land for housing has become scarce and commands extraordinarily high prices. The workers have for long found

it difficult to obtain adequate housing accommodation and to meet their needs private landlords, often mill sardars, erect houses and huts in the neighbourhood of the mills and let these at rents so high as to absorb a considerable proportion of the workers' earnings. Little or no consideration being given to the amenities of life, every available foot of land has been gradually built upon until the degree of overcrowding and congestion, particularly in certain parts of Howrah is probably unequalled in any other industrial area in India." The Royal Commission made elaborate recommendations for improvement of housing conditions of labour and specified the roles of Government, local bodies, employers and co-operative societies in respect of industrial housing. In pursuance of these recommendations the Land Acquisition Act was amended in 1933 to enable an industrial concern employing 100 and more workers to acquire land for housing of labour. The Government of India Labour Investigation Committee observes that the housing conditions noted by the Royal Commission on Labour have remained unaltered even at the time of the Committee's investigation in 1944-45, and on pages 295-96 of the Committee's Report it states that "very little by way of providing more and better houses for industrial labour has been done either by Government or municipalities". A general picture of the conditions prevailing in 1945-46 will be available from Sri S. R. Deshpande's Report of an Enquiry into Conditions of Labour in the Jute Mill Industry in India on pages 29 to 31. The following passages may be usefully quoted from Deshpande's book, in order to indicate the conditions of housing prevailing in recent times:—"The accommodation provided by individual employers varies widely from mill to mill both in regard to the number provided as also in relation to the number of workers employed in each mill. As compared to the pre-war period the position in regard to the housing provided by the employers has not materially altered except that a few mills have added a few rooms and quarters for the workers and effected some improvements in the design. Information obtained by the Association from 61 mills shows that the percentage of workers housed by individual mills varies from 7·9 to 100. The housing accommodation supplied by 61 mills is either of the *pucca* or *kutcha* type..... Figures obtained during the present enquiry from 19 units providing housing accommodation to their workers show that only 39 per cent. of the total labour force in these units was housed by the employers. When there are private bustees round about the mills, the employers do not generally make any housing arrangements for their workers. Some of the mills situated outside Calcutta, however, have provided housing for about 50 per cent. of their employees as no private housing was easily available. The housing provided by the employers is usually of the barrack back-to-back type of quarter. The floor area of the quarters varies from a minimum of 67·3 square feet to a maximum of 110·6 square feet. Every type of quarter has a small verandah about 4 feet wide, a portion of which is used as a kitchen. It is seen that in nearly 94 per cent. of the cases, the floor space available to a worker and his family is less than 100 square feet. The rooms are also generally badly lighted and ventilation is altogether inadequate. Any comment on overcrowding and congestion is unnecessary..... Those not supplied with employers' housing live in bustees which have practically no plinth and are liable to be flooded during the rainy season..... The dimensions of some of the rooms inspected were either 6 feet by 8 feet or 8 feet by 8 feet. The surroundings were most filthy." It is unnecessary to quote any further extracts from different reports for the purpose of drawing a picture of the miserable housing conditions which still persist. We shall only supplement what we have referred to above by making some comments on what we ourselves observed in course of our inspection of certain jute mills. In the Bengal Jute Mill at Shibpur, Howrah, we inspected the

workers' lines which were back-to-back huts of an extremely miserable type, and we found that there was very little of ventilation and practically no day light in the small rooms which constituted these cooly lines. We are perfectly convinced that this type of housing deserves the highest condemnation, and we feel that the sooner this type of dwelling for workers is abolished the better for all concerned. It is no wonder that the Unions are crying hoarse on the question of proper housing for industrial workers. In the jute mill of the Birla Jute Manufacturing Company, at Birlapur, however, we saw a state of things which was in pleasing contrast to our experience in the Bengal Jute Mill. At Birlapur we saw workers' quarters of a much improved type. These were *pucca* structures, there being single-room quarters and double-room quarters. Each room in the quarters had one door and one window, and each quarter was provided with a kitchen, a verandah, a privy and some open space, the dimension of each room being about 12 feet by 10 feet. Birlapur is situated in rural surroundings, and it is a good thing that the employers built these habitable dwellings for a good proportion of their industrial workers. We also inspected the old cooly lines known as "Magazine lines" appertaining to the Birla Jute Mill. The Magazine lines were at a little distance from the main mill and these were not found to be so satisfactory as the main cooly lines. The Magazine lines are situated on low-lying grounds and the amenities are not so good. Still it was pleasing to notice that even the Magazine lines were not back-to-back huts and the rooms were provided with windows and there were privies and kitchens and little courtyards attached to the rooms. We are satisfied that the problem of housing for the jute mill labour is extremely urgent. The question however is what this Tribunal can do with regard to this matter.

16(2). In this connection the most important question is who will be made to shoulder the responsibility of effecting improvement in the housing conditions, or whether the responsibility, financial or otherwise, can be legitimately cast on the employers alone. In investigating this aspect of the question we are naturally inclined to consider to some extent what different Commissions and Committees appointed for the purpose in the past have observed, and what the Government itself has so far said or done. At pages 285-86 of the Report of the Royal Commission on Labour in India, we find the following observations:—"One fact which stands out from the outline we have given is that the action taken by the parties concerned, employers, Government and local bodies, is in the inverse ratio to their responsibility. Employers have done most; municipal councils least. The latter are primarily responsible for the health of their citizens and that responsibility cannot be discharged in the industrial cities unless a vigorous attempt is made to improve housing..... . . Whilst the primary responsibility as we have shown, rests with the municipal authorities, they are entitled to look for expert advice and stimulus from Government." The Health Development and Survey Committee (1943) has opined that housing of the low income groups should be treated as a public service and that the Government should accept the responsibility for it. The Government of India Labour Investigation Committee in its Report (1946) at page 343 observes as follows:—"The main desideratum is the enactment of an Industrial Housing Act by the Government of India providing for the creation of an All-India Industrial Housing Board and Provincial or Regional Boards..... The proposed Housing Boards should be of a tripartite character, due representation being given to employers, employees and Government. They should be left to decide in each individual case whether the financing of housing should be a duty of employers or Government or both..... The State should accept a direct responsibility for the housing of workers and provide capital finance for the same. We are

of opinion that the capital outlay on workers' houses should be raised by Government and advanced to the All-India Housing Board. This Board will co-ordinate the activities of Provincial or Regional Boards and advance funds to each according to its needs. The recurrent expenditure—interest, depreciation, maintenance, repairs, etc., may be distributed between employers and workers, the latter paying it in the form of monthly rent which should in no case exceed a certain percentage of earnings (say, 10 per cent.)..... We feel that regional dispersal of industries and industrial housing is a great necessity. The Housing Boards should attend to the dispersal of industries in rural and semi-urban areas to avoid the dreadful squalor and congestion in industrial towns in this country."

16(3). The problem of industrial housing and the employers' responsibility in this connection were discussed in the 7th meeting of the Standing Labour Committee held in August 1945 and an Industrial Housing Sub-Committee of a tripartite character was appointed to consider the question of industrial housing and its finance. The appalling conditions of housing in respect of industrial workers generally were well-known and the Housing Sub-Committee was asked to consider—

(*a*) whether there should be a building fund,

(*b*) the basis on which the workers would be required to pay rent,

(*c*) the minimum standards required for workers' houses,

(*d*) the most suitable manner of administering funds,

(*e*) the facilities that are required to be granted by the Central and Provincial Governments and local bodies to facilitate the housing schemes for workers.

The Industrial Housing Sub-Committee of the Standing Labour Committee in its report, dated the 25th May 1946, has made certain detailed recommendations about the standards of accommodation, ventilation, lighting, sanitation, drainage, etc. A broad feature of these recommendations is that a house to accommodate an industrial worker and his family should comprise at least two rooms, a kitchen with storage space for food and fuel, an independent bathroom, a lavatory, verandahs preferably both in front and at the back and a courtyard, with adequate supply of water and where possible with water-borne sanitation, and the total floor area of the two main rooms exclusive of verandahs should be not less than 240 square feet. The Housing Sub-Committee has gone into reports of different Commissions and Enquiry Committees and has come to its own conclusion. In paragraph 35 of the Report the Sub-Committee observes as follows:—"The task of housing industrial workers in urban areas, because of its magnitude, can only be successfully undertaken by the collective efforts of the local authorities, Government and the employers. The Committee are unanimous in their opinion that it will not be possible to provide the minimum standards required for workers' houses on an economic basis for the lower paid industrial workers unless such housing schemes are subsidised by the Central and Provincial Governments and employers. In urban areas and other areas developed by local authorities, workers' houses should be built and owned by the local authorities." Apart from these observations with regard to the question of responsibility for industrial housing in urban areas the Committee proceeds in paragraph 36 of its Report to discuss the question of responsibility for industrial housing in rural areas and makes the following observations:—"In the case of factories located in rural areas the responsibility for housing must be solely that of the employer. He should be asked to provide living accommodation to the prescribed standard for the labour he employs in his factory within a period of 10 years. The Committee recommend that this should be laid

down as a statutory responsibility." It appears however, that two of the members of the Housing Sub-Committee (Mr. Srikantan and Mr. Kagal) differed from the majority view of the Committee fixing responsibility for industrial housing in rural areas on the employer, in so far as the dissentient members apprehended that such recommendation of the Committee would have the effect of throwing a heavier responsibility in respect of liability to house the labour on the rural employer than on the urban employer and in consequence there might be a tendency towards over-concentration of industry in urban areas, which it was desirable to prevent. In paragraph 40 of the Report the Housing Sub-Committee has suggested the imposition of a levy on the employer of Rs. 2 per month per house for every house allotted to him and the provision by Government of long term interest-free loans. The Sub-Committee has appended to the report a summary of the recommendations which are on the following lines:—

"(*a*) There should be a building fund provided to finance the housing of workers who are unable to pay economic rent for the minimum standard of housing laid down. Central and/or Provincial Governments should make available long term interest-free loans for houses built to approved standards and such loans should be redeemed by the building authority by means of a sinking fund spread over for a period of not less than 30 years. No question arises in the case of those employers who have already provided housing for their labour until accommodation to the extent of 100 per cent. of the demand is provided for industrial workers in any area. Provided that if any special form of direct taxation on industry is introduced by Government, such taxation should include provision for rebates to employers in respect of any existing housing which though not complying with the prescribed standards may be approved by the building authority under such conditions as they may prescribe.

(*b*) The Committee were unable to arrive at any agreed decision as to the basis on which workers can be required to pay rent.

(*c*) The minimum standards recommended for workers' houses are set out in the earlier paragraphs of the Report.

(*d*) The housing fund, and in the first instance the housing subsidy we have recommended, should be administered by a National Industrial Housing Board, including representatives of the Provinces, the Centre, the States, employers, labour and other interested parties.

(*e*) To enable a start to be made with a nation-wide housing of poorer workers it is recommended that Provincial and Central Governments between them provide the necessary finance by making available long-term interest-free loans for approved schemes complying with the minimum standards recommended. It is recommended that the employers be asked to pay a sum of Rs. 2 per month per house for every house alloted to them. Any deficit that may remain over and above that covered by the employers' contribution and the interest-free loan should be met by a further subsidy raised by some form of general taxation. To ensure that houses are constructed as cheaply and as efficiently as possible it is essential for the Central and Provincial Governments to co-ordinate the building programmes through the National Industrial Housing Board. The Provincial and local authorities should be responsible for making available properly developed sites for approved housing schemes."

164). On the 25th and 26th July 1946, the Standing Labour Committee held its 9th meeting and after having considered the recommendations of the Housing Sub-Committee passed a resolution incorporating the following main points:—

"The Standing Labour Committee requests the Government of India to establish immediately a National Working Class Housing Board and also

to take steps through the Provincial Governments for the establishment of Provincial Boards for promoting the housing of working classes and the carrying out of the programmes as speedily as possible. The Committee further requests the Government of India to supply the National and Provincial Housing Boards the fund necessary to enable them to carry out their functions. The Committee is glad to note that the Government of India have agreed to contribute 12½ per cent. of the cost of building houses but not exceeding Rs. 200 per house. The Committee however is of the opinion that this subsidy offered by the Government of India is wholly inadequate particularly because of the abnormal increase in the cost of material and labour. The Committee therefore recommends to the Government in view of the fact that the contributions to be made by the workers towards the scheme by way of rent should not, on the whole, exceed more than 10 per cent. of the earnings of the working classes, the deficit amounts should be made good by contributions from the Central Government, the Provincial Governments, the Local Bodies, and the employers, and the Central Government should take immediate steps to determine the respective responsibilities of these various parties."

16(5). The five-year labour programme of the Government of India in respect of legislative and administrative measures to be undertaken by the Central Government for the amelioration of labour conditions in the country was formulated in 1946 to remove the chief defects revealed by the Royal Commission on Labour (1929-31) and the Labour Investigation Committee (1946). The question of housing was included as one of the administrative measures contemplated in this programme. In course of presenting the resolution on the Government of India's Industrial Policy to the Dominion Parliament on the 6th April, 1948 (the resolution being approved on the 7th April, 1948), the Hon'ble Dr. S. P. Mukherjee, Industries and Supply Minister, stated as follows:—"The Government of India are taking special steps to improve industrial housing as quickly as possible. A scheme for the construction of one million workers' houses in 10 years is under contemplation and a Housing Board is being constituted for this purpose. The cost will be shared in suitable proportions between Government, employers and labour, the share of labour being recovered in the form of a reasonable rent."

16(6). From what has been discussed above in a more or less chronological manner it appears that the improvement of housing conditions in respect of the jute mill labour is a matter of joint responsibility of the State and the employers, and that the State has already started taking action in this matter. There is of course no manner of doubt that in so far as the question of housing is connected with the conditions of labour of the workers concerned, the issue under consideration constitutes an industrial dispute, and this Tribunal has complete jurisdiction to deal with the matter. As we feel satisfied that the responsibility with regard to this subject cannot and should not be laid entirely on the employers, and it is after all a question of apportionment of responsibility, we feel definitely confronted with the question as to the manner in which the responsibility should be apportioned among the different parties concerned. In the first place, the State which is vitally concerned in this matter is not represented before us. Even if we had thought fit to ask the State to be represented in these proceedings, we doubt whether the State would be in a position to formulate its final proposals as quickly as we would desire in the interest of the Tribunal's coming to an early decision. Evidently the Government is going to take a little time in order to finalise the most important question of apportioning the responsibility, financial and otherwise. Although we have jurisdiction to deal with

the issue, we do not consider it proper to give any direction in a haphazard manner at this stage as we are of opinion that any such direction with regard to the employers alone would be harmful and not beneficial to the interests of the workers themselves. No sufficient data have been placed before us to enable us to determine the character and degree of responsibility which should be laid on the employers. Under these circumstances we have come to the conclusion that the subject of housing for the industrial labour connected with the Jute Textile Industry should wait for the present and we must refrain from giving any directions.

16(7). This however does not mean that we are precluded from making any requests or recommendations. We have seen that the conditions of housing, particularly in respect of the jute mill labour with which we are concerned, are positively deplorable, and most of the houses either within the mill compounds or in the outside bustees where the majority of the jute mill labour manage to live, are unfit for human habitation. The subject therefore calls for an immediate remedy. We therefore earnestly request the Government to take up the question of industrial housing, particularly in respect of the jute mill labour in West Bengal, as early as possible, and come to a speedy conclusion about the character and degree of responsibility which can legitimately be laid on the employers. As regards the employers in the jute mills, concerned in these proceedings, we would like to make an appeal in the hope that they should not slacken their efforts in any way in the direction of improving the housing conditions to the best of their ability. We realise that some of the employers have done something in the past though all have not done enough to the extent desired. We recommend that the employers in the jute mills should push forward their building programmes in spite of the position that the final shape of their responsibility with regard to this subject cannot yet be determined. We particularly recommend that the back-to-back huts, which are ill-ventilated and ill-lighted and are admittedly unfit for human habitation, should be got rid of and should be replaced by better houses as quickly as practicable. In doing so we believe the employers will advance their own interests, in so far as the workers will get the chance of living in better and healthier conditions and will consequently be fitter to do the work with efficiency and to the satisfaction of the employers. As the Royal Commission on Labour in India observed on page 286 of the Report—"The employers must have realised the economic advantages obtained from more contented labour forces through an increased efficiency and consequently a greater capacity of output." In this connection we think that a special responsibility lies on the employers who have established mills in rural areas, in so far as houses in such areas outside the mill are very rare. We however refrain, at this stage, from making any comparative analysis of the responsibilities of the employers employing jute mill labour in rural areas and in urban areas. We would only like to close this subject by drawing the attention of the employers to the fact that in making its recommendations the Industrial Housing Sub-Committee of the Standing Labour Committee has indicated the idea that if any special form of direct taxation is introduced by Government such taxation should include provision for rebates for employers in respect of any existing housing. We have no doubt that those employers who have been considerate enough to construct houses for some portions of the labour force will not be placed at any disadvantage, when the State finalises the housing scheme, and we trust that the activities of considerate employers in this direction will be properly appreciated when the final scheme is drawn up.

16(8). The next question under this issue is a claim for house allowance to the extent of Rs. 10 per month for each worker, till a complete and satisfactory housing scheme is carried into effect. The idea put forward by

the Unions is that where proper houses have not been constructed by the employers on lands provided by the mills concerned, an adequate house allowance should be given to the workers to enable them to find satisfactory houses outside the mills. It seems to us extremely doubtful whether satisfactory houses will be found even outside. Housing is a serious problem for the entire population under the conditions prevailing in the country as a whole. We have seen what kind of houses can be had in the outside bustees. A mere grant of a house allowance is not likely to help the workers to any appreciable extent in solving the house problem. Apart from this aspect of the matter, the question is whether an additional charge in respect of house allowance should be laid on the employers separately or whether the scales of wages should include the element of cost on account of housing accommodation. We may state here that in fixing the standard of minimum earnings for the lowest paid workmen (both manual and clerical) we have taken into consideration the element of cost on account of housing accommodation. In dealing with the issues on minimum wages and other scales of wages and dearness allowance, we have directed a substantial advance on the existing scales, and as we have said the extra cost on account of housing accommodation has already been taken into account in determining the new scales. The subject of housing in all its aspects, including the question of rent payable by the workmen, should, in our view, await the formulation of the final scheme by the State in collaboration with the employers and all others concerned and we do not think it desirable to introduce any new element of a separate house allowance at this stage. In that view of the matter, we decline to give any direction in our award on the subject of granting a house allowance for the workers at present.

ISSUE No. 16.—Revision of medical facilities.

17. We now pass on to consider Issue No. 16 relating to a scheme for revision of the existing medical facilities. The general complaint made by the Unions on behalf of the workers is that the existing medical facilities available to the workers are generally very poor, and in many cases they are not available in actual practice owing to the prevailing corruption among the members of the medical staff. The Bengal Chatkal Mazdoor Union, for instance, has complained that while the mill dispensaries are poorly equipped, and no relief in cases of serious and acute maladies is in practice intended to be given, the facilities said to be given are in practice denied to many owing to a demand of illegal charges. The Jute Mill Workers' Federation, the Bengal Chatkal Mazdoor Union and the Bengal National Chamber of Labour have joined their voices in demanding that (1) some big indoor hospitals should be established in selected jute mill areas to serve the needs of the jute mill workers, (2) several medium size indoor hospitals with adequate equipments and staff should be established in the jute mill areas for the same purpose, and (3) a well-equipped dispensary with a whole-time qualified medical staff should be established in every jute mill. The Bengal Chatkal Mazdoor Union has also demanded that a centre for investigation and treatment of diseases peculiar to the Jute Textile Industry should be established, and this demand will be dealt with under Issue No. 17(*b*). The Indian Jute Mills Association in its written statement contends that this matter of medical facilities is not a proper subject for the Tribunal's decision as the Government is already contemplating implementation of the recommendations of the Health Survey and Development Committee (1943) with a view to improve the medical facilities in the country, and the final decisions rest with the Government. The gist of the Association's contention is that the Tribunal

not usefully intervene in the matter, in so far as the Government, which primarily responsible for expanding the medical facilities in the country a whole including the industrial areas, has taken up the matter for sideration. In its written statement the Association favours the ablishment of a well-equipped dispensary in each mill to conform to tain standard medical requirements, in a vastly improved medical scheme the entire population.

17(1). We may now proceed to draw a picture of the existing dical facilities with reference to the observations made by recent mmittees and to our own experience in course of the inspections we ve made. We may usefully quote some of the remarks made by Sri R. Deshpande on page 32 of his Report on an Enquiry into Conditions Labour in the Jute Mill Industry in India, which run as follows:—

"Most of the jute mills have dispensaries attached to them. The ndard of medical relief offered to the workers varies greatly as between ll and mill. In the majority of the mills the dispensaries provided not in a very satisfactory condition. The trouble seems to be that veral of these are in charge of ill-paid doctors earning about Rs. 100 r month. Nor are the dispensaries well laid-out so as to ensure privacy ring medical examination. Many workers seem to have no confi- nce either in the medical officer or in the medicines given at these spensaries, and that is one of the reasons why they resort to all types of acks."

It will also be pertinent to quote some passages from pages 357-358 of e Main Report of the Government of India Labour Investigation Committe (1946), which run as follows:—

"Generally speaking the medical organisation of the country as a ole is extremely inadequate, and correspondingly the special medical cilities provided by employers are also insufficient from both the quan- ative and qualitative standards. * * * * It may be useful to give a ugh picture of the type of medical facilities actually provided by em- oyers These are, of course, of various types and grades ranging from ere first-aid to hospitals of first class type. Thus, many employers have spensaries, but there are not enough drugs and appliances nor a qualified ll-time medical man to administer them. Some factories employ a part- me doctor who visits the factory premises once or twice a fortnight or ore often, just for an hour or so, and the workers are required to consult m while he is available. * * * * The position in regard to the pro- sion of maternity and child welfare centres is much less satisfactory than at of ordinary medical facilities."

We should like now to supplement the above by the results of our own spections. We have found that the standards of medical facilities vary ry widely from mill to mill, and it is clear that these are growing up in e light of local conditions according to the capacity and willingness of e respective employers to afford them. The medical arrangements in the ngus Jute Mill at Bhadreswar in Hooghly district are strikingly elaborate. here are a fair size male hospital and a female hospital besides a well- uipped dispensary, with fairly extensive laboratories and X-ray installa- ons, under the supervision of 5 qualified doctors including a very experienced d highly qualified western medical man. We saw new quarters for a dy doctor and some nurses being built. We are told that this extensive edical institutions serves the workers of a few other mills under the same anaging agents and also treats some outsiders. In the Birla Jute Manu- cturing Company's mill at Birlapur, in the rural areas of 24-Parganas strict, we found a fair size outdoor dispensary with a small indoor

hospital under the charge of two doctors assisted by 4 compounder-dressers and one midwife. The arrangements here are fairly good, though of course they cannot bear comparison with what we saw in the Angus Jute Mill. In a small mill like Prabartak Jute Mill at Belghurriah in 24-Parganas district the medical arrangement was naturally very small, there being some sort of a dispensary with a part-time doctor on Rs. 40 per month and a whole-time unpassed compounder-dresser on Rs. 45 per month, the average daily attendance being 10 or 12. We have seen dispensaries of an intermediate character, and we cannot say that they are all of the desirable standard. We agree with the views expressed by Sri S. R. Deshpande and by the Labour Investigation Committee generally that the majority of the mill dispensaries are ill-equipped and are not run with efficiency, and they do not adequately serve the needs of the working population appertaining to the different jute mills. We are, therefore, satisfied that the demand for improving the medical facilities in the jute mills as put forward by the Unions on behalf of the workers, is a very genuine demand, and there is no manner of doubt that at the present moment the medical needs of the workers are very meagrely satisfied and in spite of the existence of the external paraphernalia in some places real service is in many cases not available at all.

17(2). It is therefore clear that there is considerable room for improvement in respect of the medical facilities available to the jute mill workers. The question, however, is who will shoulder the responsibility, financial and otherwise, of introducing adequate improvements, and to what extent this Tribunal can throw the burden on the employers. With regard to this aspect of the matter the Government of India Labour Investigation Committee has made the following observations on pages 357-358 of the Main Report (1946):—

"With regard to the provision of medical facilities, the most important question of principle involved is the extent to which employers can be made responsible for financing medical facilities. It is no doubt true that employers have a duty towards their workers in mitigating their physical suffering in so far as this is directly due to industrial employment. On the other hand, society as a whole must share the responsibility for industrial employment with all its attendant evils and to that extent must be regarded as liable to bear a part of the cost of medical facilities specially meant for hazardous or physically uncomfortable employment. * * * * It may as well be recognised that the specially hazardous nature of industrial employment requires that the State should give some what preferential treatment to industrial and urban areas where health conditions are less satisfactory than in rural areas owing to congestion and insanitary environments. At the same time, as admitted earlier, it is the responsibility of the employer partly, and perhaps even of the worker to help in the provision of medical facilities. Accordingly, we are inclined to the view that provision of medical facilities though primarily the responsibility of the State should also be supported by employers and workers themselves. The Unified Scheme of Social Insurance, providing to factory workers medical care in respect of the three contingencies of sickness, employment injury and child-birth, which is envisaged by the Labour Department of the Government of India is a step in the right direction."

These observations, with which we agree generally indicate that the entire responsibility in respect of improving the medical facilities cannot be thrown on the employers alone, and the State has a substantial part to play with regard to this matter. The State has already recognised

that position and is taking necessary steps to perform its part in collaboration with all others concerned. The Royal Commission on Labour (1929-31) made certain detailed recommendations, one of them (No. 204 in Appendix I, on page 512 of the Report of the Royal Commission. Also *see* page 448 of the Main Report of the Labour Investigation Committee) being that surveys should be made by Government medical departments of the medical facilities required in urban and industrial areas, and these surveys should be considered at joint conferences of the parties interested. Another recommendation (No. 212 in Appendix I, on page 513 of the Report of the Royal Commission. Also *see* page 449 of the Main Report) was that all methods should be explored that might lead to the alleviation of existing hardships arising from the need of provision for sickness. In 1946 the Labour Investigation Committee observed, on page 448 of the Main Report, as follows:—

"No such surveys have so far been undertaken by most of the Provincial Governments. It is, however, hoped that as a result of the survey made by the Health Survey and Development Committee appointed by the Government of India and the Health Insurance Scheme which is at present under consideration of the Government of India, adequate medical facilities will be available to urban and industrial areas in due course."

In this connection it may be observed that the Health Survey and Development Committee was appointed by the Government of India in October 1943 to make (*a*) a broad survey of the position in regard to health conditions and health organisations in India, and (*b*) recommendations for future developments. In March 1943 again Professor B. P. Adarkar was appointed an officer on special duty in the Labour Department of the Government of India to prepare a scheme of Sickness Insurance for industrial workers. A panel of advisers representing the employers and the workers and a panel of actuaries were also appointed to assist and advise him. He prepared a comprehensive report on health insurance for industrial workers in August 1944. This Report was considered at the 6th Labour Conference held in October 1944 and also at the meeting of the Standing Labour Committee held in March 1945. The Labour Department had also the expert assistance of Messrs. Maurice Stack and Raghu Nath Rao who were deputed by the International Labour Office at the invitation of the Government of India. In the light of the discussions with them and also with the Health Survey and Development Committee, and the Education, Health and Lands Department, a revised integrated scheme of health insurance, workmen's compensation and maternity benefit was prepared by the Labour Department with particular reference to workers employed in perennial factories. The opinions of the Provincial Governments were taken on the scheme and a Bill called the Workmen's State Insurance Bill was introduced in the Indian Legislature in November 1946. After consideration by a Select Committee which made important amendments, the Bill was eventually passed into law on the 2nd April 1948 as the Employees' State Insurance Act, 1948. It will be clear, therefore, that this important piece of legislation came into being during the pendency of the present proceedings before this Tribunal. We feel that it is very necessary for us to examine this new legislation and analyse all its implications, in so far as they appear to have considerable bearing on the issue relating to medical facilities which we are now considering. We may state here in passing that the parties appearing before us had no occasion to refer to this new Act, inasmuch as it did not become the law of the land at the time when arguments with regard to the issue before us were being advanced, but we consider it our incumbent duty to take serious notice of this new law.

17(3). The Employees' State Insurance Act provides for the creation of a fund consisting of contributions received from the employers and employees, donations and gifts from the Central Government or Provincial Governments, Indian States, local authorities, etc., and the fund is to be administered by a Corporation. The fund is to be expended, amongst others, for (1) payment of benefits and provision for medical treatment to insured persons and their families, if extended, (2) establishment and maintenance of hospitals, dispensaries and other institutions and the provision of medical and other ancillary services to insured persons and, when the medical benefit has been extended, to their families (section 28 of the Act). The Act lays down that subject to the provisions of this Act, all employees in factories or establishments to which the Act applies shall be insured in the manner provided by the Act. Under the Act a person employed on a remuneration which in the aggregate exceeds four hundred rupees per month has been excluded, amongst others, from the category of employees. The Act lays down provisions for payment of contribution by the employers and also by the employees to enable the employees to get the benefits specified in Chapter V. Under the Act the benefits available are of a varied nature, such as, sickness benefit in cash (section 49), disablement benefit (section 51), medical benefit (section 56). Where an insured person dies as a result of an employment injury sustained as an employee under this Act, his dependants will be entitled to get a cash benefit known as dependants' benefit (section 52). An insured woman is entitled under section 50 to a maternity benefit in cash for a period both before and after the confinement. The medical benefit under section 56 is to be given either in the form of out-patient treatment and attendance in a hospital or dispensary, clinic or other institution or by visits to the home of the insured person or treatment as in-patient in a hospital or other institution. It is understood that the Government of West Bengal has already undertaken an industrial survey to give effect to the Employees' State Insurance Act. The jute mill workers being employees in perennial factories will come under the purview of this Act and the insured workers in the jute mills will be entitled to treatment in their residential concentrations either at a dispensary or at their own house. This, we understand, would include treatment, medical, surgical, obstetric, supervision at child-birth, simple ante-natal and post-natal care, some degree of preventive treatment like vaccination and inoculation and free supply of all necessary drugs, dressing and facilities on the prescriptions of the insurance medical officer. The target aimed at is to have a Health Insurance Dispensary to serve an insured population of 4,000 with a staff of 2 medical officers, one nurse-midwife, compounder, dresser, etc. It is understood that it is also proposed to increase the normal hospital facilities to provide accommodation for insured persons in parallel with the hospital facilities for other members of the community, and steps will be taken to augment the existing hospital facilities with a view to meet the needs of the insured persons. We understand that the survey has been undertaken with a view to ascertain the residential concentrations of factory workers and their dependants and also to map out the existing medical facilities which could be utilised or correlated to the proposed scheme of medical aid under the Insurance Act, and the survey is expected to be completed in the near future and the scheme is expected to be given effect to as early as possible after the collection of the data and preparation of the detailed plan and allotment of necessary funds.

17(4). It is clear from the above that the State is going to take in the matter of improving the medical facilities available to industrial

workers generally, and to the jute mill workers in particular so far as we are concerned, and the final scheme under the Employees' State Insurance Act is expected to be in operation in the near future. The working out of the scheme after the collection of the necessary data and of the necessary funds may perhaps take a little time, but we can reasonably anticipate that the new Act will be in operation within a measurable distance of time. This Tribunal is consequently called upon to come to a decision in view of the existing inadequate medical facilities on one side and of the prospective adequate medical facilities which can be expected to be afforded under the provisions of the new Act in the not very distant future. The most important question therefore arises as to whether we, sitting on this Tribunal, should intervene substantially with regard to the matter of medical facilities at this juncture. As we have already observed the responsibility for maintaining medical institutions at an adequate level of efficiency and of improving such facilities as may exist in some mills at the present time can be laid on the employers only in part, and with regard to a matter like this, active collaboration of the State seems to be indispensable. Under these circumstances we do not propose to lay down any hard and fast scheme or standard with regard to medical facilities to be carried out by the employers. We expect that the operation of the Employees' State Insurance Act will serve to remove many of the present defects, and the existing hospitals and dispensaries in many of the jute mills will in all probability be utilised and correlated to the proposed scheme of medical aid under the Insurance Act. We are therefore unable, under the present circumstances, to give any direction on the employers for the establishment of any new hospitals as proposed by the Unions appearing before us. We feel, however, that the existing hospitals should be run efficiently and should be improved wherever practicable, and the existing dispensaries should be maintained with greater efficiency and should be improved as far as practicable till the medical amenities afforded by the new Insurance Act come into full operation and the existing medical facilities become superfluous or are merged in the new scheme under the Act. By improvements we mean that doctors (who must of course be qualified medical practitioners) should be whole-time officers as far as practicable, so that the medical facilities may be available to the workers at all times of emergency, and the equipments should be fairly adequate.

17(5). There is however one aspect of medical facilities which must be compulsorily enforced irrespective of the question of the prospective operation of the Employees' State Insurance Act. On page 358 of the Main Report, the Labour Investigation Committee observes as follows:—

"We feel that there is a residue of medical amenities which can be rightly regarded as the sole responsibility of the employer. In particular, the provision of first-aid in the event of sudden sickness or an accident is undoubtedly the responsibility of the employer. Likewise, provision of ambulance, maintenance of standards of industrial hygiene, etc., may also be regarded as primarily matters to be dealt with by employers. * * * * In most places, there is no one trained in first-aid * * * * The absence of any obligation of the employers to maintain a person trained in first-aid has thus practically nullified this provision of the law." In this connection we shall refer to some of the Bengal Factories Rules, 1940. Rule 41 provides for the maintenance and custody of first-aid appliances in every factory. It also lays down that each first-aid box or cupboard shall be placed under the charge of a responsible person who shall always be readily available during working hours. Rule 42 specifies the contents of a first-aid box or cupboard. Rule 43 lays down that where the Inspector

so requires a stretcher for the conveyance of injured persons, shall be provided. We further refer to section 45 of the New Factories Bill, which is now on the legislative anvil. This section runs as follows:—

"(1) There shall in every factory be provided and maintained so as to be readily accessible during all working hours first-aid boxes or cupboards equipped with the prescribed contents, and the number of such boxes or cupboards to be provided and maintained shall not be less than one for every 150 workers ordinarily employed in the factory.

(2) Nothing except the prescribed contents shall be kept in the boxes or cupboards referred to in sub-section (*1*), and all such boxes or cupboards shall be kept in the charge of a responsible person who is trained in first-aid treatment and who shall always be available during the working hours of the factory.

(3) In every factory wherein more than 1,000 workers are ordinarily employed there shall be provided and maintained an ambulance room or dispensary of the prescribed size containing the prescribed equipment and in the charge of such medical and nursing supervisory staff as may be prescribed."

It goes without saying that the present Factories Act and the Bengal Factories Rules enjoin certain duties of a compulsory nature, so far as the employers are concerned. It appears however, that in many instances these rules have been rendered nugatory, as there is a tendency to observe them in form but not in substance. We are of opinion that the rules regarding first-aid appliances and ambulance must be strictly observed, and although the new Factories Bill is not yet an Act, we are inclined to formulate our directions with regard to first-aid appliances and ambulance on the lines of section 45 of the new Factories Bill rather than on the lines of the existing Bengal Factories Rules which are obviously inadequate to meet the needs of the situation. Our award in this direction will of course be applicable to the jute textile mills concerned in the present reference, irrespective of the limitations of the present Factories Act and the Factories Rules. In other words so far as jute textile mills are concerned we propose to bring our directions in line with the provisions of the prospective law of the land with regard to factories.

17(6). In the result, we make our award with regard to Issue No. 4 on the subject of medical facilities by giving the following directions —

(1) There shall in every jute mill be provided and maintained so as to be readily accessible during all working hours first-aid boxes or cupboard equipped with the contents prescribed by rule 42 of the Bengal Factories Rules, 1940, and the number of such boxes or cupboards to be provided and maintained shall not be less than one for every 150 workers ordinarily employed in the mill.

(2) Nothing except the prescribed contents shall be kept in the boxes or cupboards referred to in clause (*1*), and all such boxes and cupboards shall be kept in the charge of a responsible person who is trained in first-aid treatment and who shall always be available during the working hours of the mill.

(3) In every jute mill a stretcher for the conveyance of injured person shall be provided, and in every mill wherein more than 1,000 workers are ordinarily employed there shall be provided and maintained an ambulance room or dispensary, containing adequate equipments, and in charge of suitable medical and nursing supervisory staff.

(4) The existing hospitals and dispensaries should be maintained on nes of efficiency, and should be improved as far as practicable, till the edical amenities afforded by the Employees' State Insurance Act come ito full operation and the existing medical facilities become superfluous r are merged in the facilities afforded by the Insurance Act.

(5) In the case of any jute mill where there is no dispensary at present, dispensary with an adequate quantity of medicines to meet the needs of he workers of the particular mill, and with other equipment of a moderately dequate standard under the supervision of a qualified medical practitioner ssisted by other suitable and adequate staff (such medical practitioner eing a whole-time officer as far as practicable), should be opened within 3 nonths from the date of publication of this award.

SSUE No. 17.—(a) Improvement of Working Conditions and Sanitary Arrangements, (b) Provision against Occupational Diseases and Hazards.

18. We now take up the subject of (*a*) improvement of working onditions and sanitary arrangements, and (*b*) provision against occupaional diseases and hazards under Issue No. 17. We proceed to deal with tem (*a*) first. The Jute Mill Workers' Federation has asked for improvement of working conditions and sanitary arrangements within the mills nd scientific arrangements for outlet of dust and jute fibres in the Batching and Preparing Departments. The claim of the Chamber of Labour s to the effect that the jute mill and the area in which the workmen's quarters are situated should be kept clean and in sanitary condition, and the latrines and urinals within the mill premises should be maintained in ccordance with the standard prescribed by the Bengal Factories Rules, nd there should be separate latrines and urinals for women workers and women belonging to the families of workers in general. The Howrah Zilla Chatkal Mazdoor Union has asked for adequate supply of light and drinking and bathing water. The Indian Jute Mills Association has contended that the questions involved are of a technical nature and they are not fit subjects for the consideration of this Tribunal. The Association has also pointed out that these matters can, at best, be dealt with by legislation, and the Factories Act has laid down provisions for the proper regulation of the matters under consideration, and better arrangements are going to be provided for in the new Factories Bill which is now on the legislative anvil and which presumably will become an Act in the near future. The gist of the Association's contention is that there is really nothing for the Tribunal to do with regard to the subject.

18(1). We may, at this stage, examine the state of things with regard to working conditions and sanitary arrangements which have been noticed by the Royal Commission on Labour and the Labour Investigation Committee. The Royal Commission (1929-31) felt the necessity of expert medical inspection of factories to ensure that sanitary arrangements were placed on a proper footing. We may usefully quote some of the observations made by the Commission on page 70 of its Report, which run as follows: "Many of the questions which arise in connection with factory administration require medical knowledge, and with the growing complexity of Indian Industry the need for this knowledge increases. * * * * * We recommend that in every Province there should be one officer with medical qualifications appointed as an Inspector of Factories, who should be primarily responsible for inspection from the medical stand-point. * * *. There are two Medical Officers already employed as Certifying Surgeons in the Hooghly area and the duties of Certifying Surgeons might be combined with those of medical inspection." To indicate the nature of the working conditions which prevailed in recent times in the jute mills,

we may quote the following relevant passages from pages 12-14 of Sree S. R. Deshpande's Report on an enquiry into conditions of labour in the Jute Mill Industry in India: "Most of the jute mills are well laid out and planned. Some of them, however, are not so well lighted as they should be and artificial lighting has to be resorted to even during day-time. Most of the mills are fairly well ventilated, but exhaust fans and dust extractors have not been installed in them. There is enough moving space in the departments of mills for the workers, although in some cases there is room for improvement in the lay-out of the machinery. * * * * * It appears that there has been a striking increase in the number of accidents in practically all the departments in 1944 as compared to 1939. As in previous years, the greatest number of accidents have occurred while working on looms in the Weaving Department. The Spinning Department has, however, shown a decrease in incidence which is probably due to the stepping down in speed brought about to meet the shortage of labour. While interpreting the increase in the number of accidents we must, however, not lose sight of the increase in the total number of operatives coupled with an increase in working hours. * * * * Drinking water is supplied to the workers in the mills through water taps connected with municipal mains; but as the supply is inadequate, many of the mills have augmented the water-supply by sinking tube-wells, which are either electrically or mechanically operated. Water from the tube-wells is plentiful. * * * * * Although the number of latrines and urinals provided is in accordance with the provisions of the Factories Act they are generally very badly kept. They are constructed in close proximity to the departments and the sanitary conditions in these are deplorable. * * * * * It is unusual in this country for factory managements to provide seating arrangements to the operatives during working hours. However, especially in a department in which a large number of women are employed it would help considerably to reduce fatigue if they could get chance of sitting during brief intervals. This is a reform which seems worth a trial."

The Government of India Labour Investigation Committee, in its Main Report, on pages 41-42, observes as follows: "During our *ad hoc* survey we found that so far as the larger industrial establishments were concerned the Factories Act was, on the whole, being satisfactorily observed, although there was a considerable evasion of its provisions in small and seasonal factories, particularly in respect of hours of work and overtime, employment of children, safety, health and sanitation. * * * * * So far as provisions in respect of health and sanitation are concerned, latrines and urinals are generally provided in accordance with the prescribed standards but they are kept in a very insanitary condition. * * * * * The evasions of the law are largely due to the fact that factory inspectorates in different provinces are entirely inadequate." As members of this Tribunal we have had occasion to inspect some of the jute mills concerned in this reference and we agree generally with the observations which we have quoted above. Facilities for washing and supply of water generally are not quite adequate at some places. We have found the condition of the latrines and urinals to be deplorable at most places. There is a tendency at some places to observe rules under the Factories Act more or less in form, and to ignore the substance. Such a state of things which we have observed should not be allowed to continue, and we feel the necessity of enforcing the requirements of the Factories Act and the Rules with a greater amount of strictness. This can probably be done by arranging more frequent inspection.

18(2). We may then notice to some extent the progress of factory legislation. The Royal Commission on Labour in its Report published in 1931 made several important recommendations for the improvement of the

Factories Act. The Factories Act, 1934, is a measure amending and consolidating all the previous factory legislations of 1881, 1891, 1911, 1922 as amended by Acts of 1923, 1926 and 1931. Two of the main objects of the Act were the improvement of the working conditions within the factory and provisions for adequate inspection and strict observance of the Act. The provisions regarding health and safety were amplified and made more stringent. Every factory had to ensure cleanliness, proper ventilation, regulation of over-crowding of space and adequate lighting arrangements within the factory and each factory was required to have adequate supply of pure drinking water, proper sanitary arrangements, sufficient supply of water for washing purposes and to fence dangerous machines. These provisions have been incorporated in Chapter III on the subject of health and safety in the Factories Act, 1934. The Chapter has also made provisions authorising the Provincial Governments to frame rules. Chapters II and III of the Bengal Factories Rules, 1940, dealing with cleanliness and sanitation and ventilation and lighting, have laid down rules regarding the subjects of lime-washing and painting, cleanliness of floors and factory precincts, latrines, septic tank latrines, and urinals, over-crowding, ventilation and windows. In the five-year labour programme of the Government of India it was decided to undertake a thorough revision of the Factories Act, 1934, incorporating provisions, amongst others, regarding health of the workers such as those relating to cleanliness, ventilation, dangerous dust and fumes, lighting, etc., and also laying down standards for welfare measures, such as washing facilities, etc. The new Factories Bill, 1947, which is now on the legislative anvil has been prepared to revise the Factories Act on the lines approved by the Standing Labour Committee and in the light of discussions held with Chief Inspectors of Factories. Chapter III on the subject of health and safety in the present Factories Act has been split up, in the new Factories Bill, into three separate chapters, namely, Chapter III on health, Chapter IV on safety and Chapter V on welfare. In dealing with item (*a*) of the issue under consideration we are concerned with Chapter III on health and with some portions of Chapter V on welfare. We are of opinion that most of the demands put forward by the Unions on behalf of the workers with regard to working conditions and sanitary arrangements will be adequately met by the provisions indicated in the new Factories Bill. It may be hoped that this Bill is going to be enacted into law in the very near future, and as we consider that if the provisions laid down by the prospective Act will be adequate to meet the needs of the situation as found by us, there is really nothing much for us to do except to give directions in respect of certain matters, in a general way, in accordance with the measures indicated in the new Factories Bill. We feel that even if the present Factories Act and the existing Factories Rules are fully observed by the managements of the different mills in a spirit of strict and faithful compliance, a substantial forward step will be taken. We would like the managements to take note of the prospective provisions incorporated in the new Factories Bill and push their efforts in the directions indicated. We do not propose to give any directions in respect of new subjects which are of a somewhat technical nature, for instance, subjects which may require the installation of new mechanical appliances or may necessitate alterations in the general lay-out of the machinery. For example we have seen that in every jute mill, by reason of the manufacturing process carried on particularly in the Batching and Preparing Departments, a good deal of dust and jute fibre is thrown off, and the existence of such dust and fibre in the air is, in our opinion, likely to be injurious or offensive to the workers employed therein and there should be some method of eliminating the dust and floating fibre. Even though we hold this view, we would prefer, in view of section 15 on the subject of dust and fume in the new Factories Bill, to wait till the new

legislation actually comes into operation, in so far as the installation of exhaust appliances involves a matter of technical nature and we do not desire to give any directions which might come into conflict with the directions given by the prospective law and the rules to be made thereunder. We have, therefore, decided to leave a subject like this in the hope that the new law will serve to introduce a complete remedy. Similarly, with regard to the subject of facilities for sitting, while we are of opinion that such facilities should be given, particularly in the case of women workers, we have decided to stay our hands for the present in view of section 44 of the new Factories Bill, which proposes to deal fully with the subject. The subject of facilities for sitting may have certain aspects of a technical nature involving changes in the lay-out of the different parts of the machinery, and we have thought it a better course to wait till the new law and the rules made thereunder come into actual operation.

18(3). We now proceed to give our directions with regard to working conditions and sanitary arrangements, in a general way on the lines of the new Factories Bill. We are purposely not giving any specifications on any subject, and we make it clear that the managements should comply with our directions in accordance with the existing Factories Act and the Bengal Factories Rules, 1940. We would consider such compliance to be enough for our purposes. If and when the new Factories Act and the new Factories Rules come into operation in course of the period during which our award will remain in force the managements will of course comply with our directions in accordance with the provisions of the new Act and the new Rules. We do not anticipate that the transition will be difficult, or that there will be any practical difficulty in complying with our directions which, as we have said, will be more or less of a general nature. We accordingly direct as follows:—

(1) Every jute mill shall be kept clean and free from effluvia arising from any drain privy or other nuisance.

(2) Effective arrangements shall be made in every jute mill for the disposal of wastes and effluents due to the manufacturing process carried on therein.

(3) Effective and suitable provision shall be made in every jute mill for securing and maintaining in every work room adequate ventilation by the circulation of fresh air.

(4) No room in any jute mill shall be overcrowded to an extent injurious to the health of the workers employed therein.

(5) In every part of a jute mill in which workers are working or passing there shall be provided and maintained sufficient and suitable natural or artificial lighting.

(6) In every jute mill effective arrangements shall be made to provide and maintain at suitable points conveniently situated for all workers employed therein a sufficient supply of wholesome drinking water.

(7) In every jute mill, sufficient latrine and urinal accommodation of suitable types shall be provided, separate accommodation shall be provided for male and female workers, all such accommodation shall be maintained in a clean and sanitary condition at all times and sweepers shall be employed whose primary duty it is to keep clean latrines, urinals and washing places.

(8) In every jute mill adequate and suitable facilities for washing shall be provided and maintained for the use of the workers therein. Separate and adequately screened facilities shall be provided for the use of male and female workers, and such facilities shall be conveniently accessible and shall be kept clean.

18(4). We shall now proceed to deal with item (*b*) of the issue under consideration. One part of this item relates to the subject of hazards. The representatives of the Unions before us did not raise any specific points with regard to the question of hazards. Some of the representatives alleged that the belting was sometimes unsatisfactory and good belting should be provided. In view of the position that the question of hazards generally was not discussed, we do not propose to give any particular direction with regard to the alleged bad belting and we consider that the law and rules with regard to safety measures as involved in the present Factories Act and the existing Bengal Factories Rules are adequate to meet the needs of the situation. We, therefore, leave the subject of hazards without giving any particular direction in the hope that the managements will strictly comply with the directions given by the law and the rules.

18(5). We shall now pass on to deal with the claim for provision against occupational diseases as put forward by the Bengal Chatkal Mazdoor Union in particular. This Union has asked for establishment of a centre for investigation and treatment of occupational diseases peculiar to the Jute Textile Industry and also for provision for suitable compensation in such cases. We may state at the outset that the question of compensation, which would presumably arise under the Workmen's Compensation Act, is not relevant at the present stage when we do not know whether there is any occupational diseases peculiar to the Jute Textile Industry such as would be recognised under the law. There is a list of industrial occupational diseases in Schedule III of the Workmen's Compensation Act, but none of these diseases appears to be associated with the Jute Textile Industry. The Bengal Chatkal Mazdoor Union has contended that there are good reasons for apprehending that there are occupational diseases peculiar to the working conditions in a jute mill, but these diseases are still undetected as there has been no investigation in the appropriate direction. Our attention has been drawn to certain observations made by the Royal Commission on Labour (1929-31) on page 56 of the Report, which run as follows: "In a number of factories the manufacturing processes disseminate large amounts of dust, arrangements for the elimination of which are frequently defective. Mechanical systems which result in a constant flow of fresh air would add greatly to the comfort of the operative, and would in some cases improve his output. More important is the conservation of the worker's health, for the prevalence of dust may result in pulmonary disease. In certain manufacturing processes, particularly connected with cotton, jute and wool, the reduction of dust to a minimum should be made obligatory."

The following observations of the Royal Commission on page 252 of the Report may also be usefully referred to—"Although the majority of witnesses assured us that industrial disease was seldom brought to their notice, we are satisfied that further investigation is necessary. We anticipate that here, as in other countries, when skilled observers are set to work, the usual diseases associated with industry will be found to exist, their non-detection possibly being due to the fact that they are either never seen by a medical man or, if seen, pass unrecognised and undetected."

We may also refer to the observations made by the Government of India Labour Investigation Committee on page 377 of the Main Report (1946), which run as follows: "As regards occupational diseases, although

some of these have been included under Schedule III to the Workmen's Compensation Act, it is virtually inoperative and the position pointed out by the Royal Commission that only in cases of lead poisoning are workers compensated for still holds good. This is largely because the diseases enumerated in the Schedule are difficult of early detection by ordinary medical men, and unfortunately we have few experts in India who have any specialised knowledge of industrial diseases. This means that even if the Schedule is extended the workers will not get much relief. The proper course is to establish an adequate machinery for research and early diagnosis and treatment of occupational diseases. * * * * * At the same time, we have no doubt that in mines and factories, the incidence of occupational diseases must be not inconsiderable. In view of all these facts, we are inclined to the view that the whole problem of provision for employment injury and occupational diseases should be taken out of the hands of the employers and entrusted to an organisation set up for State insurance."

18(6). Sri Indrajit Gupta for the Bengal Chatkal Mazdoor Union has urged the establishment of an Institute of Research on the subject of occupational diseases peculiar to the Jute Textile Industry. Sri S. K. Basu, for the Jute Mill Workers' Federation, has suggested that necessary research in India should be entrusted to the Indian Research Fund Association or to the All-India Institute of Hygiene or the Tropical School of Medicine, Calcutta. Sri S. Choudhury on behalf of the Indian Jute Mills' Association has contended that there are no reasonable grounds for suspecting that there are any occupational diseases peculiar to the industry and the Tribunal should not give any direction with regard to this matter. We understand that there is a certifying surgeon in West Bengal who is a Senior Medical Officer of the rank of a Civil Surgeon and who in his capacity as Inspector of Factories looks into the medical requirements of the Factories Act. It is further understood that the West Bengal Government has a scheme for appointing a Lady Inspector of Factories in accordance with the recommendation of the Royal Commission on Labour. The Royal Commission also recommended that in the more industrialised Provinces the Public Health Department should be strengthened to deal with industrial hygiene and industrial diseases and at least one of the Assistant Directors of Public Health should have special knowledge of these subjects. We understand that there is in West Bengal a Senior Medical Officer in charge of Industrial Hygiene and supervision and control of tuberculosis, and this officer is designated as Special Officer, Tuberculosis Control and Industrial Hygiene. As mentioned in Item No. 199 on page 511, Appendix I, Report of Royal Commission on Labour, and on page 446 of the Main Report of the Labour Investigation Committee, the Royal Commission also recommended that industrial health research should be entrusted to the Indian Research Fund Association. The Scientific Advisory Board considered this recommendation of the Royal Commission in December 1931, and opined that there should be a bureau under the Central Government to deal with industrial health and that the Industrial Research Fund Association would gladly co-operate with such a bureau in carrying out the research which might be necessary, provided additional funds were placed at its disposal to do so. This opinion was endorsed by the Governing Body of the Indian Research Fund Association in March 1932, but it has not so far been possible to implement the recommendation of the Royal Commission. An Industrial Health Advisory Committee has been set up in 1945. This step may be expected to lead to research into special problems affecting industrial health. The Indian Research Fund Association has, however, carried out independent enquiries in respect of some diseases in the industrial field including the general problem of tuberculosis which was specially investigated by Dr. Ukil from 1927 to 1943. At the All-India Institute of

lygiene and Public Health, Calcutta, the subject of physiological hygiene as included in 1939 in the curriculum of students studying for the diploma t Public Health. The department concerned is called the section of Biohemistry, Nutrition and Physiological Hygiene, and in order that it may ave facilities to investigate problems of industrial health among Indian orkers, the Government of India permitted Dr. M. N. Rao, a Demonstrator in the Section, to accept a Study Fellowship from the Rockefeller oundation. Dr. Rao appears to have completed his course in the United tates and to have returned to the Institute where he has been appointed s an Assistant Professor of Industrial and Physiological Hygiene. He has tarted working on the problems in which he received special training and rrangements are being considered for training of persons for work in the ndustrial health field. It, therefore, appears that research on industrial ealth and incidentally of occupational diseases as already been taken up o some extent and it is likely to gain momentum. We have no doubt that he question of the existence of any occupational disease amongst workers n the Jute extile Industry, who are in the neighbourhood of 3 lakhs in all, s bound to attract the attention of the Governments of India and of West Bengal, and of research scholars in the All-India Institute of Hygiene and Public Health, Calcutta, and in other institutions. We invite the attention of the Governments concerned for considering the advisability of setting up a regular machinery for conducting researches of a sustained character into the question of industrial health and occupational diseases in connection with the Jute Textile Industry in particular. We feel that we are unable to give any specific direction with regard to this subject but we recommend that this matter be taken up in right earnest by the authorities concerned.

ISSUE No. 18.—Cheap Canteen.

19. We may now pass on to consider the demand for cheap canteens under Issue No. 18. So far as the written statements are concerned the claim for the establishment of cheap canteens in all the jute mills has been put forward by the Bengal Jute Mill Workers' Federation and the Bansberia Jute Mill Employees' Union. In course of the hearing all the Unions supported the claim. The demand is that there should be an adequate canteen in every jute mill, and at such canteen food should be available at the market price or at cost price, and it should not be run on any profit-making basis. It has been contended on behalf of the Indian Jute Mills' Association that canteens are not very popular and it is not the intention either of the present Factories Act or of the new Factories Bill to introduce a canteen in every factory, and the Tribunal should not give any general direction for the establishment of canteens.

19(1). On pages 66-67 of the Report of the Royal Commission on Labour in India (1931), the Commission has, among other things, observed as follows: "Some employers provide lunch sheds and the practice might be adopted more generally. * * * * The provision of some shelter where rest and refreshment can be taken is in many cases necessary and, moreover, would be generally appreciated by the workers. Similarly the provision of canteens might be considered in the case of the larger factories. * * * * * We recommend that the possibility in this direction be examined with a view to a wider adoption of amenities of this kind."

On page 32 of his Report on an Enquiry into the conditions of Labour in the Jute Mill Industry in India Sri S. R. Deshpande makes the following observations. "Only a few mills have started canteens where light refreshments and tea are served. It is understood that in the initial stages considerable difficulties were experienced in running the canteens owing to

factors relating to caste, different dietary habits of the workers, etc. On mill has now introduced the system of serving cooked meal in its canteen Some mills run their own tea canteens, while others have licensed vendor under the supervision of the management. In some cases the mills allow outsiders to sell tea and light refreshments in the precincts of the mills One mill supplies tea to its workers at 50 per cent. of the market price."

On pages 352-355 of the Main Report (1946), the Labour Investigation Committee observes as follows: "The works canteen is being increasingly recognised all over the world as an essential part of an industrial establishment, providing undeniable benefits from the point of view of health efficiency and well-being. To introduce an element of nutritional balance into the otherwise deficient and unbalanced dietary of the workers, to provide cheap and clean food and an opportunity to relax in comfort near the place of work, to save time and trouble to workers on account of exhausting journeys to and from work after long hours in the factory, and to enable them to surmount the difficulties experienced in obtaining meals or food stuffs—these are some of the objects of an industrial canteen. * * * In a majority of mills and factories in India there are no canteens at all * * * * * * In most places, where canteens exist, they are little more than private contractors' tea-stalls, supplying tea and sweets. Where foodstuffs are supplied, they are neither cheap nor good in quality, while the environments are anything but clean, sanitary or attractive 'The maximum of profit' is the only principle of the contractor, who is there by virtue of being the highest bidder for the contract. * * * * * The usual objections raised by employers against starting canteens are that the dietetic habits of the workers vary widely, that workers of different communities are not prepared to mess together, that there is no 'canteen habit' that workers generally prefer to get their meals from home as foodstuffs are not available, etc. But every one of these objections has been proved to be untenable wherever a canteen has been run on sound lines after proper planning."

19(2). We agree generally with the views expressed above, and we are of opinion that canteens are a necessity for ensuring the health and welfare of the workers, and for increasing their efficiency and consequently the output of production. In 1946 the Labour Investigation Committee found that there was no law regulating the establishment of canteens Specified then by the Amending Act V of 1947 section 33A relating to canteens was introduced in the Factories Act. This new section lays down that the Provincial Government may make rules requiring that in any specified factory wherein more than 250 persons are ordinarily employed an adequate canteen should be provided for the use of the workers. Practically the whole of the existing section 33A of the Factories Act is sought to be enacted as section 46 in the new Factories Bill. It does not indeed appear that even in the new Factories Bill the establishment of a canteen is made compulsory. We are not aware that the Provincial Government of West Bengal has made, under the powers given by section 33A of the present Factories Act, any rules for the provision and maintenance of adequate canteens in the jute mills. We are of opinion, however, in the light of the observations made by the Royal Commission and the Labour Investigation Committee, and of what we have personally seen in different jute mills that a canteen, at least of a moderate type, is an absolute necessity. It is true that the present Factories Act or the prospective law in respect of factories does not make any provision of a compulsory nature regarding canteens. It is, however, open to the Provincial Government to make it compulsory in effect by making rules in respect of the jute mills in West Bengal. The claim for cheap canteens raises a dispute which is connected

with the conditions of labour and it is undoubtedly an industrial dispute, and this Tribunal has ample jurisdiction to deal with the subject in the interest of the industry and its workers as a whole. We have seen canteens in some places, whereas in other places there is probably no canteen of any type. We are of opinion that in every jute mill in West Bengal there should be a canteen where at least tea and snacks and light refreshments, if not cooked food, should be available. We are satisfied that canteens will be quite popular if they are run on proper lines.

19(3). At present, in a mill where there is a canteen, the management pays for the room, fuel, light, utensils and implements, and charges are made for the cost of food materials and attendants. The present position is that cooked food canteens exist in only about 6 jute mills and tea tiffins are available in about 45 to 50 of the mills. It is, therefore, clear that without any direction of an obligatory nature many of the employers have been reasonable enough to encourage the establishment of canteens and we are of opinion that the establishment of canteens will not really throw any substantial burdens on the employers at all. In our view, canteens, at least of a moderate type providing tea and light refreshments, can and should be established in all the jute mills involved in this reference all of which appear to employ more than 250 workers ordinarily, and while the employer should bear the expenses on account of the room or rooms, fuel, light, utensils and implements, the workers should pay for the food supplied at cost price which would include the cost of food materials and of attendants. We are not disposed to give any specifications of the size and standard of canteen rooms or of the kinds of food to be supplied as we feel that this matter may be conveniently left to the good judgment of the employers themselves who may ascertain the views and inclinations of the workers. As regards the specifications regarding the standards of accommodation and other details as mentioned in clause (2) of section 33A of the present Factories Act, which are the same as those to be found in clause (2) of section 46 of the new Factories Bill, we expect that the employers will take the necessary directions from the Provincial Government which has the power to make rules on the subject. So far as our award is concerned we give the following directions:—

(1) An adequate canteen, wherever it exists in a jute mill, should be maintained, and should be improved as far as practicable, for the provision of tea and light refreshments, and also of cooked food if possible and if required by a substantial body of workers.

(2) Where no canteen exists at present in a jute mill ordinarily employing more than 250 workers, a canteen of a moderate type supplying food on the lines indicated in clause (1) above should be opened within two months from the date of publication of this award.

(3) With regard to the running of a canteen the employer concerned shall provide the room or rooms and shall pay for the fuel, light, and the supply of necessary utensils and implements. The food supplied to the workers shall be available at cost price which will include the cost of food materials supplied and of attendants.

ISSUE No. 19.—Provision for Rest and Recreation.

20. We now take up the question of providing for rest shelters and recreation centres under Issue No. 19. The Jute Mill Workers' Federation has demanded provision for recreation, amusement and libraries for the workers. The Bengal National Chamber of Labour has demanded that every jute mill should have an adequate shelter for the use of the workmen during the recess period in accordance with the standards specified in rule

45 of the Bengal Factories Rules, 1940, and that these shelters may also be used as common rooms, reading room, libraries, and meeting places of the workmen during non-working hours and holidays. The Howrah Zilla Chatkal Mazdoor Union has also asked for provision for amusements, recreation and libraries. During the hearing the learned Advocate for the Jute Mill Workers' Federation pressed that every individual jute mill should provide for a welfare centre to accommodate at least 15 per cent of the total labour force in each, and each centre should provide for various amenities including indoor and outdoor games, libraries, radio sets, occasional cinema shows, etc. It was also proposed on behalf of the Jute Mill Workers' Federation that there might be a combination of more than one mill for the purpose of starting a welfare centre. This suggestion regarding the combination of more than one mill has, however, been opposed by the Bengal National Chamber of Labour and Bengal Chatkal Mazdoor Union. The Indian Jute Mills' Association has stated that this is not really a subject of dispute between the mills and their labour, as all the mills are in agreement with the principle that some suitable form of rest and recreation centre should be provided so far as the circumstances may permit. In course of the argument the learned Counsel for the Association has stated that about 50 per cent. of the mills already have rest shelters within the factory premises for the labour to rest during recess periods. He gave the assurance that the mills were prepared to provide for common room facilities near the residence of the workers and that these common rooms might be maintained by more than one mill. It was pointed out that it might not always be practicable to have suitable places outside the mill compounds for the building of common rooms or recreation centres for the labour force.

20(1). We may now proceed to consider the present state of things as regards the subject of rest and recreation as appilcable to the jute mills in West Bengal. In this connection we may usefully quote the following passages from pages 372-73 from the Main Report of the Government of India Labour Investigation Committee (1946): "We may now turn to some of the other basic needs of the worker which appear to us fundamental and which affect his health and efficiency. These include reasonable facilities for rest and recreation, welfare measures and the provision of congenial conditions of work and safety measures. * * *. In the jute mills in Bengal, the interval granted between two spells of work is sometimes as long as 4 to 5 hours, but such interval hardly serves the purpose of rest, because where no housing is provided nearby, the workers have to go a few miles to their homes to cook their food and to rush back to work. * * *. In most establishments there is no provision for rest shelters with the result that the workers have to eat their meals either in the departments themselves or in the open and get no rest at all. We need hardly take notice of the contention of many managements that Indian workers prefer to rest under the shade of trees rather than in shelters built for the purpose. Barring a few exceptions the shelters we have inspected have been no better than cattle sheds." As regards our personal experience as Judges of the Tribunal, we have seen fairly good shelters in one or two places, whereas those in others are in unsatisfactory condition. It is understood that there are rest shelters in about 50 per cent. of the jute mills at the present time. As regards the issue under consideration we should consider it under two heads, namely, (1) provision for rest shelters and (2) provision for recreation centres or welfare centres. In dealing with the question of rest shelters we may refer to rule 45 of the Bengal Factories Rules, 1940, which lays down that "in any factory in which more than 150 workers are ordinarily employed, the Provincial Government may require that an adequate shelter or shelters shall, before a specified date

be provided for the use of the workers during their periods of rest." Under the present rule, the provision for an adequate rest shelter is not compulsory. Under section 47 of the new Factories Bill it is laid down that "in every factory wherein more than 150 workers are ordinarily employed, adequate and suitable shelters, or rest rooms shall be provided and maintained for the use of the workers, provided that any canteen maintained in accordance with the provisions of section 46 shall be regarded as part of the accommodation required by this section." Under the prospective new law, therefore, the provision for shelters or rest rooms has been made compulsory. We have felt in the light of what we have seen and heard that the provision for shelters or rest rooms should be made compulsory on the lines of section 47 of the new Factories Bill, and in our view a rest shelter should be provided in every jute mill, the position being that every jute mill which we are dealing with employs more than 150 workers.

202). We then pass on to consider the question of recreation centres or welfare centres. We found a good recreation centre at the Angus Jute Mills at Bhadreswar in Hooghly district. But the vast majority of the jute mills are conspicuous by the absence of any recreation centre. At the present time there are 10 welfare centres run by individual jute mills for their own labour population, these mills being Angus Jute Mills, Champdani Jute Mills, Presidency Jute Mills (near Konnagar), National Jute Mills (Rajgunj), Delta Jute Mills (Manikpur), Hukum Chand Jute Mills (Naihati), Agarpara Jute Mills, Gouripur Jute Mills (Naihati), Baranagore Jute Mills and Hooghly Jute Mills. It is understood that a welfare centre is under construction at Fort Gloster Jute Mills at Bauria. Apart from these centres run by individual mills, there are 6 welfare centres provided by the Indian Jute Mills' Association, these being located at Hajinagar, Kankinara and Titaghur on the eastern bank of the river Hooghly and at Sibpur, Serampore and Bhadreswar on the western bank and the Association appears to have spent over these centres more than Rs.54,000 in 1947. It further appears that the actual attendance of the workers in these welfare centres is not more than 4 per cent. of the total labour force. The present scheme of the Indian Jute Mills' Association is to use the Association's centres for the purpose of co-ordinating the centres located in individual mills. It further appears that the Government of West Bengal maintains at the present time 10 welfare centres in the jute industrial areas, two being located at Howrah and Bauria, two at Belliaghata and Matiabruz, four at Budge Budge, Sodepore, Gouripore and Kankinara, and another two at Rishra and Telinipara. It is understood that the Government has spent about Rs. 20,000 during the year 1947-48 over these welfare centres. It is presumed that these Government welfare centres can also serve as co-ordinating factors. There is indeed no statutory provision for the establishment of recreation centres or welfare centres, but the Government, the Indian Jute Mills' Association, and several progressive individual jute mills have taken up the matter in the practical field of affairs obviously for the simple reason that such centres are a necessity for the well-being of the working population. We are of opinion that there should be a welfare centre of moderate size and equipments attached to every jute mill with which we are concerned, and the centres under the management of the Government of West Bengal and of the Indian Jute Mills' Association may very well serve the purpose of very useful co-ordinating factors. We do not propose to give any specifications about the size or the nature and quality of the equipments to be provided in such welfare centres, but we shall expect that welfare centres for individual mills wherever they exist will be improved, and they will be opened with at least moderate equipments for indoor games and other amusements, in mills where they do not exist at present.

20(3). In the result, we give the following directions in our award:—

(1) Every jute mill shall provide for and maintain an adequate and suitable shelter or shelters for the use of the workers. Any canteen, which may be maintained, or may be opened and maintained in accordance with our direction in connection with Issue No. 18, shall be regarded as part of the accommodation provided for the shelter or shelters, and should be as near the latter as possible. Specifications regarding the shelter or shelters should be in accordance with the directions of the Provincial Government under rule 45 of the present Bengal Factories Rules, 1940, or under any law or rules which may come into force on the enactment of the new Factories Bill.

(2) A recreation centre or welfare centre shall be opened in every jute mill, where there is none at present, and there shall be provision of indoor games and other amenities at such centre. We do not propose to give any specifications regarding the size and equipments of these welfare centres, in the hope that this will be determined by the employers themselves. It is hoped that these new welfare centres will work in co-ordination with the centres being maintained by the Government and by the Indian Jute Mills' Association. In order to minimise the cost of construction the question of having the recreation or welfare centres in the rest shelters which we have already directed to be established may be considered, wherever possible, provided that such shelters can be made accessible to the workers during non-working hours without detriment to the safety of the factory. In cases where the suggested combination of a shelter room and a recreation centre is not practicable or desirable, recreation centres should be separately maintained.

(3) Rest shelters and recreation or welfare centres where they do not exist at present should be opened within four months from the date of publication of this award.

ISSUE No. 20.—Provision for Creches.

21. The next subject for our consideration relates to the demand for providing for creches in jute mills employing a substantial number of female workers. This demand has been put forward on behalf of the workers by the National Chamber of Labour and the Howrah Zilla Chatkal Mazdoor Union. In course of the hearing the other Unions supported the demand. It has been contended that creches are a necessity in factories employing women workers, and among other things creches have an educative influence on mothers who are workers. It has also been argued that creches are likely to attract more women workers and wives of male workers to come and work. The presence of the latter, it is contended, is likely to create a healthy domestic life leading to the ultimate well-being of workers both male and female. On behalf of the Indian Jute Mills' Association, Dr. Waight has admitted the desirability of establishing creches in factories employing female labour, and it has been submitted that the employers agree that the condition of existing creches should be improved. It has, however, been contended that the Tribunal should not go beyond the limits of the legislation in this connection.

21(1). At this stage we may discuss the general condition with reference to creches in the mills. On pages 65-66 of its Report (1931) the Royal Commission on Labour in India observes as follows: "Creches are not uncommon in factories employing women, and some we saw were admirably staffed and equipped; others, if better than nothing, still left much to be desired; yet others were both dirty and inadequately furnished. In many

of the factories employing women in substantial numbers, no creches have been provided, and this is particularly true of the Bengal jute mills, where caste feeling and the reluctance of women to leave their young children were stated by some witnesses to create serious difficulties. As a result of their absence, infants are taken into the mills and can be found lying on sacking, in bobbin boxes and other unsuitable places, exposed to noise and danger of moving machinery and a dust-laden atmosphere and no year passes without a certain number of serious and minor accidents, and sometimes even of deaths, occurring among such children. It is important that creches, when first opened, should be well-furnished and properly supervised. If suitable women are placed in charge, and short periods of absence from work at necessary intervals are granted to the nursing mothers, we believe that gradually the initial prejudices and diffidence of the women could be overcome. ..... We recommend that creches should be provided in all places where women are employed, in considerable numbers, and we would make the obligation a statutory one in all factories employing not less than 250 women." The Health Survey and Development Committee, on pages 84-85 of Volume I of its Report (1946) observes as follows: "The employment of women workers makes it essential that there should be provision for nurseries or creches where their children can be left and given proper food and attention while the mothers are away at work ..... The absence of a statutory obligation, however, makes employers indifferent about providing creches ..... In Bengal the provision of creches is not a statutory obligation. Some of the large concerns, including the jute mills, have, however, voluntarily established them and have also included the supply of milk and supervision for the children." Sri S. R. Deshpande in his Report (on page 32) on an Enquiry into Conditions of Labour in the Jute Mill Industry in India observes as follows: "About 20 mills have provided creches. Here again, the standards of maintenance, equipment, cleanliness, etc., vary considerably. Some of them are well-equipped with cradles, while the equipments in others leave much to be desired. There appears to be a great need for starting creches in other mills, as women are employed to a considerable extent Cases have been reported of mothers doping their babies with opium to keep them quiet during the time that they are at work." The Government of India Labour Investigation Committee, on page 355 of the Main Report, observes as follows: "On the whole, the employers have been rather slow in observing the requirements in regard to provision of creches even in Provinces where the law requires it. Things were bad enough in former years when there was no provision of creches, as women used to keep their children with them while working near the machines or, worse still, drug them with opium and leave them at home. Mills which are not legally obliged to establish creches do not have them at all ..... Even where the rules are observed, the tendency is to conform only to the letter of the law and to break the spirit of it. Thus some dark room in a corner away from the work place may be set apart with no playthings to attract the children and nobody to look after them. ..... Generally speaking, the creche is one of the neglected corners of the factory and if an *ayah* or nurse is in attendance, she seldom pays sufficient attention to the requirements of the children left there. The emoluments of nurses in charge are usually low. Supervision even in good creches leaves much to be desired." As noticed on page 8 of Deshpande's Report, women are generally employed in the batching department as teasers and in the preparing department as feeders and receivers on the breaker and finishing cards and on drawing machines and as roving feeders. They form a high percentage of hand-sewers in the finishing department. In course of our inspections of jute mills we have found that there is a substantial number of women workers, particularly in the departments just mentioned in good

size mills. It is understood that at the present moment there are creches in a little over 30 jute mills in West Bengal. We are surprised to find no creche in a large well-equipped mill like the Angus Jute Mill at Bhadreswar, where the medical facilities in other directions are of a strikingly elaborate character. The small number of creches that we have seen in course of our inspection are not in satisfactory condition and we agree generally with the spirit of the observations which we have quoted above from different reports that there is a great deal of room for effecting improvement in the condition and general supervision of creches. We are of opinion that creches are a great necessity in factories where there is a substantial number of women workers.

21(2). We may now discuss the state of the law and rules in connection with the provision and maintenance of creches. Section 33, clause (2) of the present Factories Act, lays down that the Provincial Government may make rules requiring that in any specified factory, wherein more than fifty women workers are ordinarily employed, a suitable room shall be reserved for the use of children under the age of six years belonging to such women, and prescribing the standards for such rooms and the nature of the supervision to be exercised over the children therein. Rule 46 of the Bengal Factories Rules, 1940, lays down as follows: "In any factory in which more than fifty women workers are ordinarily employed, the Provincial Government may require that a room or rooms shall, before a specified date be provided and reserved for the use of children under the age of six years belonging to such women, and such rooms shall conform to the following standards:—(1) They shall be of adequate size to comfortably accommodate the number of such children brought into the factory premises; (2) they shall be adequately lighted and ventilated and give effective protection from the weather, and where necessary, provided with *punkhas* or fans; and (3) lavatory accommodation, washing facilities and a sufficient supply of potable water shall be provided and an experienced woman supervisor shall be placed in charge of such rooms, and suitable arrangements shall be made for the care of and attention to the children who use them." It will be noticed that the present state of the law does not make it obligatory on the management of a factory to provide for and maintain a creche, unless the Provincial Government has actually passed an order in respect of the particular factory. The progress of legislation appears to be making further advance in the proper direction, in so far as section 48 of the new Factories Bill seeks to place an obligation in this direction on every factory employing more than 50 women workers. Section 48 of the new Factories Bill runs as follows: "(1) In every factory wherein more than 50 women workers are ordinarily employed, there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years belong to such women. (2) Such rooms shall provide adequate accommodation, shall be adequately lighted and ventilated, shall be maintained in a clean and sanitary condition, and shall be under the charge of women trained in the care of children and infants. (3) The Provincial Government may make rules, (*a*) prescribing the location and the standards in respect of construction, accommodation and furniture and other equipment of room to be provided under this section; (*b*) requiring the provision in factories to which this section applies of additional facilities for the care of children belonging to women workers, including suitable provision of facilities for washing and changing their clothing; (*c*) requiring the provision in any factory of free milk for such children; (*d*) requiring that facilities shall be given in any factory for the mothers of such children to feed them at the necessary intervals." It will be clear that the prospective legislation, when enacted more or less in the form presented in the new Factories Bill, will serve to make a distinct advance on the present state of

hings. While we are of opinion that creches should be established in all ute mills ordinarily employing more than 50 women workers, we do not ish to give any specifications regarding the construction of rooms and quipments in general, and we feel that we must leave these matters to the rovincial Government to regulate, in accordance with the prsent law and ules, or in accordance with the prospective law and rules when the latter ctually come into operation. All we can do at the present stage is to give general direction.

21(3). Accordingly, we direct as follows:—In every jute mill where- n more than fifty women workers are ordinarily employed there shall be rovided and maintained a suitable room or room for the use of children nder the age of six years belonging to such women. Such rooms shall rovide adequate accommodation, shall be adequately lighted and ventilated, hall be maintained in a clean and sanitary condition and shall be under the harge of women experienced in the care of children and infants. As egards specifications regarding the location and the standards in respect of onstruction, equipments and other particulars, directions should be obtained rom the Provincial Government under the present law and rules or under ny prospective law and rules which may come into operation. Existing reches should be improved as far as practicable in respect of equipments nd supervision. Where a creche does not exist in a jute mill required to rovide for and maintain a creche according to this award, a creche should e opened within 3 months from the date of publication of this award, and hen maintained on proper lines.

ISSUE No. 21.—Arrangement for Educational Facilities for Adult Workers and their Children.

22. The next subject for our consideration relates to arrangements for educational facilities for adult workers and their children under Issue No. 21. The Unions appearing before us prayed for facilities for free and compulsory education of the workmen and their children in schools maintained by the respective jute mills. The Bengal National Chamber of Labour has demanded that the mills should make arrangements for free and compulsory education of the workmen below 40 years of age and that primary schools for the education of boys and girls of the workmen should be set up at all the mills. The Chamber has also suggested the establishment of Middle Schools by a process of combination of mills, and has further asked for the establishment of a technical school under the auspices of the Indian Jute Mills' Association where the sons and dependants of the workmen should receive technical training. The Howrah Zilla Chatkal Mazdoor Union has put forward a claim for free primary educational institutions and night schools. The Bansberia Jute Mill Employees' Association has asked for a school for boys and another for girls at least up to the Middle standard. The Jute Mill Workers' Federation has demanded free education for adult workers and their children and establishment of libraries. During the hearing Sri S. K. Basu, Advocate for the Federation, has put forward demands in respect of an upper primary school for the workmen's children, and a night school for the workmen in each jute mill, 4 free secondary schools at suitable centres in the jute mill areas and 3 or 4 technological institutes for the training of selected operatives. In its written statement, the Indian Jute Mills' Association has stated that the subject matter of this issue is no matter of dispute between the parties, and the Tribunal should not examine the subject. The Association further observes as follows:— "In its financial aspects the industry with others will be called upon to share; in its responsibility it is entirely a matter for the State. Whatever

the mills have done in this way has been again purely voluntary and to try to fill the gap caused by the State's own deficiencies." The Prabartak Jute Mill states in its written statement that while the authorities are alive to a sense of their duty for providing necessary educational facilities for the children of the workmen, they have been unable to go far enough owing to financial difficulties.

22(1). Before we proceed further to deal with this subject of educational facilities for workmen and their children, we feel called upon to decide the point as to whether the claim involved in this issue is an industrial dispute which this Tribunal would have jurisdiction to deal with. It has been contended on behalf of the Indian Jute Mills' Association, during the hearing, that this matter does not constitute an industrial dispute and consequently the Tribunal has no jurisdiction to adjudicate upon it. We do not think that it is necessary to go into this contention very elaborately. We do not see any difficulty in coming to the conclusion that the dispute over the subject matter of the present issue must be held to be connected with the conditions of labour within the meaning of section 2(k) of the Industrial Disputes Act, 1947, even if it may be somewhat difficult to say that this matter is connected with the terms of employment. We have no doubt that the dispute over the subject matter of this issue is an industrial dispute and this Tribunal has ample jurisdiction to deal with it. The question is not really of our jurisdiction, and the main point seems to be how far the Tribunal would be justified in imposing burdens on the employers, and to what extent and on what lines burdens in respect of provision for educational facilities for workmen and their children can be properly laid on the shoulders of the employers.

22(2). We may now proceed to give a picture of the needs in the direction of educational facilities. Let us start with certain observations made by the Royal Commission on Labour in India (1931). On pages 27-31 of its Report, the Commission observes as follows:—"In India nearly the whole mass of industrial labour is illiterate, a state of affairs which is unknown in any other country of industrial importance. It is almost impossible to overestimate the consequences of this disability, which are obvious in wages, in health, in productivity, in organisation and in several other directions. Modern machine industry depends in a peculiar degree on education, and the attempt to built it up with an illiterate body of workers must be difficult and perilous. We would emphasise the fact that, precisely because of this, the education of industrial labour should receive special attention. Many employers have endeavoured to do something towards making good the deficiency by means of factory schools and a few of the schools we saw are admirable examples of their kind, and represent a big outlay in cost and thought..... But employers in many cases would be making a valuable contribution if they were prepared to develop the education of their workers' children in their factory schools. The non-working child is likely to get much more advantage from such education than the half-timer. The difficulty here is the economic pressure which tends to drive the child to work at an early age. But we believe that employers who, as some have already done, make the small outlay necessary to keep such children at school will be doing a real social service; moreover, they will probably reap the benefit later by introducing a better type of worker, thus paving the way for selected men to rise higher. At the same time, the main responsibility for education in industrial areas cannot be thrown upon the employers. In this, as in other matters, some employers have done admirable work in the attempt to remedy the deficiencies of the responsible authorities, and we believe that few would be unwilling to co-operate if definite and reasonable schemes were put before them. For example, the Indian Jute Mills' Association, while emphasising the view

hat it was not the employers' duty to educate labour, expressed its readiness to co-operate with Government in the matter, if invited to do so. Without doubt the task is primarily one for the community acting through local bodies and Government and we would repeat, in the interests of Indian industry and labour, that the industrial areas have a special claim to attention..... There is a strong case for the preferential treatment of those areas in view of the economic results to be obtained. It is for the education authorities to take the lead, but the end in view justifies them in calling on the employers' associations and individual employers to assist ..... One advantage which education will bring to the industrial worker will be the opening of avenues of promotion at present closed to him ..... We recommend that the Indian Jute Mills' Association should combine to maintain a part-time school for selected adults and adolescent operatives. Such a school would, we hope, secure a good Government grant, as it would have a strong claim to State assistance." On page 33 of his Report of an Enquiry into Conditions of Labour in Jute Mill Industry in India Sri S. R. Deshpande observes as follows:— "Some mills have established schools for children of their operatives but many others only made contributions to local schools in the neighbourhood. The management of the Birla Jute Mills, however, have set up two night schools for the education of the adult workers and books, stationery, etc., are supplied free. There are also two primary schools and a high school for the education of the children of their operatives. One of the mills provides free primary school to Muslim boys only. No classes have been organised for education of adult workers except at 3 or 4 welfare centres of the Association where attempts are being made in this respect. Speaking generally, the facilities provided for the education of the children of the operatives are very poor." We of this Tribunal have had the opportunity of examining the standard of the educational facilities provided in some mills which we have had occasion to inspect, and we agree generally with Sri Deshpande's observations that on the whole the facilities provided for education in the jute mills are very poor, and there is undoubtedly a great deal of room for improvement. On behalf of the Indian Jute Mills' Association it has been represented to us that at present there are primary schools in 29 out of the 89 jute mills with which we are concerned, and primary education is also given in the six welfare centres conducted by the Association. We have further been given to understand that the Association has provided for a number of scholarships to facilitate the technical education of their operatives, and the establishment of a technological institute is under contemplation.

22(3). The real point, as we have already indicated, is whether the responsibility for provision of educational facilities for the workmen or for their children can be thrown entirely on the employers, and if the entire responsibility cannot be thrown on them, to what extent and in what manner the employers should be called upon to share the responsibility. From portions of the observations made by the Royal Commission on Labour which we have quoted above, it will appear that the Commission was of opinion that the main responsibility for education in industrial areas could not be thrown upon the employers, and the task was primarily one for the Government and the local bodies, and it was for the education authorities to take the lead and to call upon the employers to assist and participate in the responsibility. With regard to this aspect of the matter it may be useful to quote certain observations made by the Government of India Labour Investigation Committee on page 362 of the Main Report which run as follows:—"We are not sure, however, that provision for educational facilities could be imposed upon employers as a matter of policy. As in the case of medical facilities, if any employers actually do provide such facilities, they must be considered as merely gratis. From this point of view it is interesting to note that the educational scheme of the Central Advisory Board of

Education (popularly known as the Sargent Scheme) envisages the financing of a system of national education by the Central and Provincial Governments, partly supported by religious trusts and partly by one or two other sources." This view of the Labour Investigation Committee with regard to the question of responsiblity for providing educational facilities supports the opinion of the Royal Commission on Labour on the same subject, and after giving careful consideration to all aspects of the matter, we have come to the conclusion that the responsibility, financial and otherwise, cannot be thrown entirely on the employers, and the State has necessarily a large part to play in initiating appropriate schemes, which may be worked out in respect of industrial workers and their children, with the financial and other assistance of the employers. The position is that it is for the State to take the initiative. We understand that the Government of West Bengal have already in hand schemes which will cover the education of adults and children in the jute mill areas. It is understood that the scheme of adult education will comprise literacy and vocational training, and that of children's education will comprise a pre-basic standard (age group 3 to 5 years) and a basic standard (age group 6 to 11 years). We further understand that employers of large scale labour will be required to run the adult education classes at the places of work under the direction and advice of officers and committees to be set up by Government and to bear a part of the expenditure on this account, as may be decided in due course, and that the whole scheme may be in operation in the near future.

22(4). The question pre-eminently arises as to what the Tribunal should do by way of giving an award on the subject of provision for educational facilities for adult workmen and their children. We are glad to find that the Provincial Government has already taken up the matter in hand in pursuance of a general scheme of advancement of education for the entire community, and the Government is alive to the needs of the industrial workers and their children in the sphere of education. Under the circumstances, we feel that it will not be proper for us to introduce any scheme of educational institutions independently of the general scheme which is likely to be worked out in practice by the Government in collaboration with the employers. In our view any imposition of a scheme evolved by us may perhaps be harmful to the cause of education in so far as the details of any such scheme may not be consistent with those of the general scheme which Government is likely to introduce within a short time. We have therefore come to the conclusion that it is not expedient, under the prevailing circumstances, to give any direction on the employers of the jute mills with which we are concerned for starting any new educational institutions of a specific character or standard. At the same time we are of opinion that the existing institutions for providing education either to workers or to their children should be continued at a proper level of efficiency, and employers should be encouraged to improve the educational facilities as far as practicable. As regards primary education for adult workers and their children the employers may be encouraged to start new institutions in mills where they do not exist at present, but we are not disposed to specify any standards or curricula for such new institutions and we would desire that such new institutions should be started and run in co-ordination with the education authorities under the Government of West Bengal. As regards secondary schools we find from a list of high schools and colleges published by the Department of Education, Government of Bengal, corrected up to the 31st December, 1944, that there are at present in existence about 20 aided high schools and an equal number of unaided high schools in the jute mill areas which cover a distance of about 60 miles on either side of the river Hooghly. The establishment of about four more high schools at selected centres in the jute mill areas, at the cost of the

employers in the jute textile industry, as suggested on behalf of the Unions, would not add materially to the existing educational facilities, and we consider it expedient that the question of further advancement in the direction of establishing more secondary schools in the part of the country covered by the jute mill areas should be left to the Provincial Government in the Department of Education to decide, as, in our view, the establishment of new educational institutions of this character must necessarily be a part of the entire educational structure, with which we are not acquainted. As regards the provision for technical education also we are unable to give any definite directions under the present circumstances. We shall however give some directions of an appropriate character and make some recommendations for the consideration of the parties concerned, and we shall expect the Government of West Bengal to bring adequate schemes of education for the adult workmen and for their children in the jute mill areas to be put into operation as quickly as possible.

22(5). In the result, we direct that the existing primary or secondary schools for children or schools for adults in the jute mills concerned should be maintained at an adequate level of efficiency and should be improved as far as practicable. We recommend that primary schools for workers' children, and night schools or other schools for adult workmen be started in those jute mills where they do not exist, in consultation with the Department of Education, Government of West Bengal, and in co-ordination with such schemes as may be contemplated by Government. It is hoped that the educational activities of the welfare centres under the management of the Indian Jute Mills' Association and of Government, respectively, will be maintained at a high level of efficiency and will be further improved as far as practicable. It is further hoped that the system of scholarship for the encouragement of technical education as introduced by the Indian Jute Mills' Association will be maintained and the Association will do everything in its power to start the proposed technological institute at a very early date.

ISSUE No. 22.—(a) Free Supply of Implements to Mechanical Workers and Carpenters and (b) Free Supply of Uniforms to Durwans and Drivers, and Members of Crews on Launches.

23. We next proceed to take up Issue No. 22 which is divided into two parts. Taking up the first part relating to the demand for free supply of implements to mechanical workers and carpenters, we observe that this demand was put forward by the Jute Mill Workers' Federation and the Howrah Zilla Chatkal Mazdoor Union. The Indian Jute Mills' Association in its written statement has stated that it agrees that where it is necessary for the performance of a man's work that he should have tools, the obligation rests with the employer to provide these to the extent and of the nature which the work (not the worker) demands. The Association further states that the demand is no one of general application to the industry, as it is not within the knowledge of the Association that a different practice is being observed in any concern. In course of the hearing it is generally agreed that implements to be used by mechanical workers and carpenters for the purposes of performance of the work given to them should be supplied free by the employers concerned. We, therefore, direct that free supply of implements as demanded by the Unions be made in all the jute mills involved in this reference.

23 (1). We then pass on to consider the second part of Issue No. 22 relating to the demand for free supply of uniforms to durwans and drivers and members of crews on launches. This matter also is very simple in so far as the learned Counsel for the Indian Jute Mills' Association has intimated to the Tribunal that the mills concerned agree to supply both summer and winter uniforms and waterproofs to durwans and drivers and shirts and shorts to members of crews on launches. The representatives of the Unions appearing before us accept the proposal as satisfactory. We are of opinion that the proposal should be given effect to in all the jute mills involved in this reference and we direct accordingly.

ISSUE No. 23.—Revision of the System of Recording Attendance.

24. We now pass on to consider Issue No. 23 relating to the demand for revision of the present system of recording attendance. At present the system appears to be that the attendance of workers is recorded by the members of the clerical staff. The present system is objected to on the ground that members of the clerical staff who are in charge of the time arrival sheets of the workers often indulge in certain abuses, and this system is not free from corruption. The demand for a revision of the present system has been put forward by the Jute Mill Workers' Federation and the Howrah Zilla Chatkal Mazdoor Union. It has been suggested that in place of the present system the punching (clock) system, which is a mechanical system, should be introduced. It is expected by the Unions that mechanical system will not be liable to abuses. We have seen a specimen of a punching (clock) machine, and we have examined its operation. The operation is no doubt automatic, but the ticket concerned has got to be introduced by human agency. It appears that a large number of punching (clock) machines will be required in order to avoid overcrowding of workers at the same time, and chances of recording attendance by proxy even by means of the mechanical system cannot altogether be ruled out. Janab Shafaatullah Khan, on behalf of the Bengal National Chamber of Labour, has expressed doubts about the incorruptibility of even the mechanical clock machine which also will have to be operated by human hands. The Indian Jute Mills' Association, in its written statement, does not controvert the proposition that the present system should be changed for promoting an incorruptible atmosphere as regards the matter of recording attendance of workers, and the Association agrees in principle that some sort of mechanical device should be adopted for the purpose. It is represented to us, however, that at the present moment punching clock machines are not easily available, and the best course for us would be to say that while the present system which is not free from corruption should be changed, some kind of mechanical system which may be easily introduced should be adopted. We agree that the present system of recording attendance should be discontinued as soon as possible and we direct accordingly. We further direct that some kind of mechanical system which may be easily available under present circumstances should be introduced at the earliest opportunity in all the mills involved in this reference.

ISSUE No. 24.—Representatives of the Employees to be taken in the Administration.

25. The next issue which we proceed to deal with is Issue No. 24 relating to a demand put forward by the Howrah Zilla Chatkal Mazdoor Union alone to the effect that representatives of the employees should be

aken in the administration of the concern. The extremely concise manner which Sree Shib Nath Banerji, on behalf of this Union, expressed his emand was probably misleading, and the Indian Jute Mills' Association its written statement with regard to this demand has stated as follows:— This item is no matter of dispute; for there is no bar to the appointment mills of any workers to the administrative staff." What was really eant in the demand, however, was not a question of appointment of any uitable and capable worker to the administrative staff, but a question of articipation of the workers, through their representatives, in the administration and management of the concern. When the position was made lear in course of the hearing of this matter, the representatives of the ndian Jute Mills' Association were naturally opposed to the demand.

25 (1). In course of the hearing a point was raised to the effect that this question was raised by only one Union, the other Unions appearing efore the Tribunal could not be allowed to have any say in the matter. he Tribunal eventually deided that as a matter of procedure the other nions who did not specifically put forward the particular demand would e permitted to participate in the discussion, but whether the eventual ward given by the Tribunal would be binding on the other Unions or n workmen represented by the other Unions would be left for decision in he final award. As we left the matter like that at the time of hearing, e are now taking it up for a decision. Sree S. Choudhuri, Counsel for he Indian Jute Mills' Association, definitely put forward the argument hat a dispute raised by one Union could not be allowed to be discussed y the other Unions and this contention was overruled by us at the time of earing. He further contended that the principle of an issue raised by ne Union alone would not apply to the other Unions who did not raise he issue or, in other words, that the eventual Award of the Tribunal would ot be binding on the other Unions. The proposition put forward by the learned Counsel was controverted by Sree S. K. Basu, Advocate on behalf f the Jute Mill Workers' Federation, and by Janab Shafaatullah Khan n behalf of the Bengal National Chamber of Labour. It was pertinently ontended on behalf of the Unions concerned that according to the Government Order of reference all the workmen employed in all the mills involved in the reference were represented by the five Unions specifically mentioned in the Order, and the Government by its Order contemplated a process of collective representation of all the workmen by these five Unions, and the five Unions would be entitled to represent all the workmen jointly and severally irrespective of the question as to whether a particular demand was put forward by one or more Unions and not by other Unions. On giving careful consideration to the question we have come to the conclusion that Sree S. Chaudhury's contention is not sound and the correct position is that the Unions appearing before us represent all the workmen of all the mills involved in the reference irrespective of the question as to whether a particular issue has been raised by one Union and not by the others. A contrary interpretation of the Order of reference would lead to absurdities. We, therefore, held that our eventual Award in respect of a question like this which has been raised by one Union appearing before us will be binding on all concerned.

25(2). Let us now pass on to the subject-matter of the issue. Sree Shib Nath Banerji being the Union representative responsible for putting forward this particular demand was naturally the principal spokesman. He referred to the resolution passed by the Tripartite Industries Conference held in December, 1947, which laid down agreed principles about the setting up of Central, Regional and Unit Production Committees and for settlement of disputes between the management and labour with the help of Works Committees, and certain other matters, and which adopted

the dominating principle of an industrial truce for the next three years Sree Shib Nath Banerji, however, contended that the contemplated Production Committees and the Works Committees would not be enough to the purpose he had in mind, and his central point with regard to the issue under consideration was that there should be a 50 per cent. representation of labour on all Committees of management under which the manage would function. The position not being clear from the written statemen filed by the Howrah Zilla Chatkal Mazdoor Union, we asked Sree Shi Nath Banerji to submit a fresh statement in elucidation of his point. H eventually submitted a statement on the following lines—"We have bee demanding a share in the management and in the administration. Th Works Committees are not meant for this at all. Production Units accepted in the recent Industrial Conference, would be a move in th direction, but they do not go far enough. Workers' representatives shou be taken in all Committees for the management of all processes of produc tion, distribution, costing, accounting, and all other matters concerne in the industry. This is demanded in all industries, whether nationalise or not. Active co-operation of workers in all these is absolutely necessar for efficiency and smooth running of the industry. Representation o workers and mill's authorities to be equal." The gist of the demand pu forward by the Union, therefore, is a system of participation by the employees in the actual functioning of the management. The contention is that representatives of the employees should take part in the matter o decisions with regard to all kinds of problems—managerial, commercial financial or otherwise. In other words, the demand means the setting up of a system of joint management and of giving the status of the employe to representatives elected or selected by the employees.

25(3). It has been strongly contended by the learned Counsel on behal of the Indian Jute Mills' Association that a dispute of this nature is no an industrial dispute and, therefore, this Tribunal has no jurisdictio to deal with the matter. We must, therefore, proceed to decide firs whether this dispute is an industrial dispute within the meaning of sec tion 2(*k*) of the Industrial Disputes Act. There is no manner of doub that it is a dispute between employers and workmen. But in order tha this dispute may constitute an industrial dispute within the meaning o the Act, it must be shown that it is connected with the employment o non-employment or the terms of employment, or with the conditions o labour, of any person. It is obvious that this dispute can have no connec tion with the employment or non-employment of any person, or with th conditions of labour of any person. The question remains to be considere as to whether this dispute can have even any remote connection with th terms of employment. We agree that in order to establish the connectio it is not necessary that the subject-matter of the dispute should be or i related to any existing term of employment, and it would be enough i the connection can be established with what should be the terms of employ ment according to the workmen. Sree S. K. Basu, on behalf of the Jut Mill Workers' Federation, has contended that this dispute involves th question of setting up of joint committees of management, on which labou should be represented in a certain proportion, and this dispute should be held to be connected with the terms of employment. The central fact in the demand being a right of participation in the functions of manage ment and control of the entire concern in all its aspects, it really amount to a process of partial usurpation of the functions of the employer by th employees. It is seriously questionable whether a matter of this kin can legitimately form the subject-matter of a contract governing th relations between the employer and the employees or in other words whethe such a matter can be a possible term of employment at all. "Employ ment", within the meaning of section 2(*k*) of the Industrial Disputes Ac

must necessarily mean "employment as a workman under the employer". On giving very careful consideration to the whole question we come to the conclusion that a matter of this kind cannot be or be connected with any term of employment, and, therefore, cannot be the subject-matter of an industrial dispute. We feel that the demand really aims at a process of reorganisation and remodelling of the present-day social structure, so far as the relations between employers and employees are concerned and while such a matter can be a fit subject of a Tripartite Conference like the one held in December, 1947, or similar Conferences, it cannot constitute an industrial dispute within the meaning of the Industrial Disputes Act. In the result, we hold that this Tribunal has no jurisdiction to deal with the subject-matter of the issue under consideration, and we must, therefore, decline to give any direction on the subject.

ISSUE No. 25.—Relieving Clerks and Filling up of Vacancies.

26. The next subject for our consideration is Issue No. 25 relating to certain demands put forward by the Bansberia Mill Employees' Union representing clerks, compounders and Gurkha durwans working in Ganges Manufacturing Co., Ltd., Banberia, district Hooghly, on the subjects of relieving clerks and filling up of vacancies. We take up the question of relieving clerks first. The demand put forward is on the following lines:—"At least 15 per cent. of the total number of clerks to be provided and trained in different departments". We have been told by the representative of the Union concerned that there is already a system of relieving clerks, the strength of such clerks being 10 per cent. of the total number of clerks. It has been contended on behalf of the Union that Bansberia being a malarious area, the absentees are often too many, and the strength of relieving clerks should be raised to 15 per cent. of the total. We understand that there is no system of relieving clerks in any other jute mill. After hearing all parties, we are not satisfied that there is any adequate ground for directing an increase in the strength of relieving clerks as obtaining in the Ganges Manufacturing Mill at Bansberia. We, therefore, reject this claim.

26(1). The next item to be considered under this issue is the question of vacancies to be filled up with competent persons without delay. The representative of the Employees' Union concerned have made a complaint that vacancies are often left unfilled, and the burden of the work of absentees has to be taken by those who continue to work. We have not heard any similar complaint from any other concern and we do not quite follow what is really meant by putting forward this claim on the subject of filling up of vacancies. The principle enunciated in the demand is, however, correct, and we are disposed to support it. We accordingly direct that vacancies should be filled up with competent persons without any unreasonable delay.

ISSUE No. 27.—Nationalisation of Jute Textile Industry.

28. We shall now skip over Issue No. 26 relating to specific cases of victimisation, proceedings in respect of which have been stayed at the instance of the High Court of Calcutta, and pass on to consider Issue No. 27 on the subject of nationalisation of the Jute Textile Industry. This issue has been raised only by the Howrah Zilla Chatkal Mazdoor Union. In the written statement the claim was expressed in an extremely concise form, and to elucidate the nature of the claim, Sri Shibnath Banerji, President of the Union, subsequently expressed the claim on the following

lines:—"All the jute mills of West Bengal should be nationalised immediately. The jute mills belong to the nation, and as such, the profit made by the mills should be counted as national wealth. The mill authorities have got no right to utilise the profit made by the sweat of the labourers. Three lacs of workers should not be exploited by a few employers. On the other hand, in order to make a nation strong it is essential to nationalise the industry. If the question of compensation is raised, we submit that the shareholders who have not yet got the double amount of their share-money may claim some, but others have absolutely no claim." During the hearing the representatives of all the Unions have supported the claim. Sri Shibnath Banerji was naturally the first spokesman with regard to this subject. He referred us to Resolution No. II passed in the Tripartite Industries Conference held in December, 1947. By this resolution the conference recommends to Govrnment that while enunciating the national policy of industrial development, some important aspects, among others, should be kept in view. One of the aspects, which has been given specific shape in the resolution, is the division of industries into three broad categories, namely, (*a*) industries which should be under State ownership and management, (*b*) industries which may be jointly owned and managed by the State and private enterprise and (*c*) industries owned and managed by private enterprise. The resolution has further laid down that in selecting the industries as aforesaid which will be reviewed from time to time the paramount consideration will be the country's basic, economic and defence requirements on the one hand and the possibility of quick and efficient production on the other. It appears that in the subsequent final declaration of the industrial policy of the Government of India, in pursuance of the resolutions passed in the Tripartite Industries Conference, the Jute Textile Industry comes within the category of industries owned and managed by private enterprise, and at no stage of the deliberations does it appear to have been considered as a fit subject under the head of nationalisation. Sri Shibnath Banerji speaking on the claim put forward however, has pressed for the inclusion of the Jute Textile Industry in the list of nationalised industries. Sri S. K. Basu, Advocate, for the Jute Mill Workers' Federation, has argued that the subject of nationalisation can be considered under two heads, namely, (1) State ownship, and (2) State control over or State management of industries. In pursuance of the line of argument Sri S. K. Basu has conceded that the question of State ownership is perhaps beyond the scope of the Tribunal. He has, however, contended that a question of State control or State management in collaboration with private enterprise comes within the scope of an industrial dispute. His contention is that State control over the Jute Textile Industry is necessary in order that the welfare measures for which the Unions have pressed may be carried out fully and properly. Sri Indrani Gupta for the Bengal Chatkal Mazdoor Union has pressed for complete State ownership of the industry, and has contended that the control and management should be shared by the State and by workers' representatives. All these of course are contentions raised by the different Unions in favour of the claim for nationalisation. The primary question before the Tribunal however is whether this claim is an industrial dispute within the meaning of section 2(*k*) of the Industrial Disputes Act, 1947. In other words the question is whether this dispute or difference between employers and workmen can be said to be connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person. As regards State ownership the claim really amounts to a plea for a change of employers. As regards State control or management, the claim means a plea for partial usurpation of the functions of the employers by another body, namely, the State. We see no connection between this dispute and any question of employment or non-employment. We are also not satisfied

that this claim could conceivably be incorporated in the contract of service, or could be one of the terms of employment. Sri S. K. Basu appears to argue that the subject of State control is an industrial dispute in so far as it involves a dispute between employers and workmen in respect of the conditions of labour in the mill. We are unable to accept this view, and we fail to see any connection between the claim for State ownership or for State control and the conditions of labour. Apart from these fundamental considerations arising from the definition of an industrial dispute, another prominent feature in the proceedings with regard to this issue is that the State which is supposed to be called upon to take the ownership or the control of the industry is not represented before us. Taking into consideration all aspects of the question we come to the conclusion that the subject-matter of this issue of nationalisation cannot constitute an industrial dispute. We feel that in the absence of proper and adequate materials we are unable to make any helpful recommendation either. We are of opinion that this is a proper subject for discussion by the parties concerned assembled in conferences like the Tripartite Industries Conference held in December, 1947, and it will not be proper for the Tribunal to make any recommendation on the subject in view of the position that this Tribunal has no jurisdiction to deal with the issue at all. We, therefore, leave the issue without giving any direction or making any recommendation.

ISSUE No. 28.—Re-absorption of Workmen in Mills Derequisitioned.

29. We next take up Issue No. 28 relating to the question of re-absorption of workmen in certain jute mills which were requisitioned by the Government during the War and which are being released from requisition from time to time. This claim has been put forward only by the Bengal Chatkal Mazdoor Union in its written statement. During the hearing, however, the representatives of other Unions also supported the claim. The claim as originally put forward by the Bengal Chatkal Mazdoor Union is on the following lines:—"Although the War is long over, nearly 1/3rd of the mills requisitioned at that time for military purposes have not yet been handed back for production. We demand that all such mills should be reopened without further delay, that their original workers who were absorbed into other units known as foster mills should be re-absorbed in their respective mills with their service record intact." The original prayer was to cause the reopening of requisitioned mills. The Tribunal felt that it had no hand in the matter of releasing particular mills from orders of requisition, but it could consider the question of re-absorption of workmen in mills which happened to be derequisitioned under the orders of the Government. We shall accordingly take up the question of re-absorption of workmen in the original mills which may happen to be released from requisition. In this connection our attention has been drawn to a Bengal Government Communique published in the *Statesman*, dated 4th December, 1943. Some principal features of the Government Communique are on the following lines:—

"Arrangements have been made, where some mills have closed, to work certain others in a double shift. This has been managed in such a way that those employed in the closed mills will be provided with work in some other adjacent mills. There will be no break of service in the transfer and both the previous service and the new service will count. Weavers, spinners and other workers will be provided with similar work in the new place of work and wages and earnings will generally be maintained at their former rates. The Government give the following assurances.—(1) that the new

hours of work will be fixed after paying due regard to all reasonable requests of workers, (2) service, earnings, allowances and other privileges will be maintained, and (3) those who accept this arrangement will be provided with employment in the old mill when that is again available. The present claim which has been put forward before us relates to item (3) in the list of assurances given by the Government. It appears that the workmen concerned with this question of re-absorption in the original mills may be divided into two categories, namely, (1) those original workers of the requisitioned mills who have been actually employed in the foster mills and (2) those workers of the requisitioned mills who presented themselves for service in the foster mills but could not be provided with employment in the latter. We do not think those workers of the requisitioned mills who did not present themselves for service in the foster mills can be considered for re-absorption in the original mills after derequisition. As regards the claim of the original workers of requisitioned mills who happened to be employed in the faster mills to be re-absorbed in the original mills after derequisition, the Indian Jute Mills' Association has conceded that the claim should be granted. The difficulty arises in connection with those workers of the original mills who presented themselves for employment in the foster mills but were either refused service or could not be provided with the same for some reason or other. It is admitted by both sides that only those who presented themselves for service but were refused or could not be provided could claim re-absorption in the original mills. In the course of the discussion the question pre-eminently arose as to how workers of this description could be properly and adequately identified. Sri S. K. Basu, Advocate, on behalf of the Jute Mill Workers' Federation has argued that a workman should be re-absorbed in the original mill after derequisition, as soon as he says that he previously worked in that mill and it is found that he has had previous experience of the work, and there is a vacancy. The learned Counsel on behalf of the Indian Jute Mills Association has controverted this proposition regarding identification and has contended that a certain amount of strictness of proof should be insisted on, and he has contended that there should be some way of establishing that the particular workman actually worked in the original mill and that he offered his services in the foster mill but was not eventually employed in the latter. In course of the hearing we have heard of tokens having been given to workmen of this description and of other possible links for establishing identity and the parties were requested to let us have further information on these aspects of the matter. Ultimately, however the parties failed to supply any further information, and we are consequently unable to specify any particular method of establishing the identity. We are of opinion that the particular workman who wishes to be re-absorbed in his alleged original mill after derequisition should be able to prove that he worked in the original mill and that he offered his service in the foster mill but was not provided with work. We cannot indicate the method by which this can be established. But we feel that if the management of the original mill is reasonably and sympathetically inclined to look into the cases of such workmen, some links on the question of identity may be available from the books maintained in the mill concerned. It is hoped that the evidence, either oral or otherwise, which may be given by the particular workman claiming to be re-absorbed will be supplemented by other helpful evidence which may be available in the mill office concerned.

29(1). In the result we direct that, on mills being derequisitioned (1) steps be taken to re-absorb the original workmen of the requisitioned mills who were employed in the foster mills, and (2) such workmen alleged to have belonged to an original mill, as can establish that they worked in the particular original mill, and that they offered their services in the

corresponding foster mill but was not provided with work, be re-absorbed in the original mill, in accordance with the assurance given by the Government in December, 1943. With regard to Issue No. 28, we make our award accordingly.

ISSUE No. 29.—The Case of Prabartak Jute Mills.

30. We have now come to the last issue, namely, Issue No. 29 relating to the case of Prabartak Jute Mills. This concern, though not a member of the Indian Jute Mills' Association, allowed itself to be represented generally by the Association, but submitted a separate written statement with the prayer that it being essentially a part of a philanthropic organisation named Prabartak Sangha with no motive for profit-making, and it being an uneconomic unit in the Jute Textile Industry, its case should be dealt with separately in order that it may survive. We have heard the spokesmen of this concern and have inspected the mill and seen things for ourselves and have carefully considered the state of things from all points of view. The Prabartak Sangha is a mission of life, founded on spiritual consciousness. It consists of a band of men and women who have dedicated their lives to the service of humanity. The aim of the Sangha is to reconstruct the cultural, social and economic life of the country on the basis of self-realisation. The workers of the Prabartak Sangha own no personal property or money; they work for the one and the same object in a spirit of service. Whatever they earn come to the common fund to be spent for the welfare of community. Apart from the educational and philanthropic institutions run by the Prabartak Sangha in different places, it has established an economic structure upon which to build and expand its trading, industrial, commercial and agricultural concerns. The Prabartak Jute Mills constitute one of the industrial concerns under the management of the Prabartak Trust, Ltd., which is entrusted with the task of carrying on the economic programme of the mission. We are satisfied that this is not a profit-making concern, and the fundamental basis of its existence is the ideal of service and sacrifice, and the authorities have no idea of exploiting the workers.

30(1). It will be pertinent to examine briefly the financial condition and possibilities of this unique small concern whose outlook is so very different from that of other concerns in the industry. It was registered in 1936, and the work was actually started in 1941 with only 50 hessian looms. At the time of our inspection we saw only 60 hessian looms working, and 12 looms lying idle and with no arrangements for sacking production at all In spite of its efforts, it has not yet succeeded in getting adequate machinery, and jute cuttings and other rejections cannot be utilised for want of sacking machinery. On examination of the balance-sheets we find, that the profits from the jute mill itself, when profits accrued at all, were very meagre, and the funds of the concern were supplemented by some profits from a gunny business carried on by the director-manager Sri D. N. Chaudhury. We are satisfied that this concern has carried on a hand-to-mouth existence in the face of serious handicaps, and it is definitely an uneconomic unit in the industry. In view of its philanthropic ideal and its precarious economic existence, we are of opinion that the prayer of the Prabartak Jute Mills for separate treatment is fully justified and we have no doubt that if this concern is dealt with in our award on the same lines as the others, this economic limb of a useful philanthropic organisation will have no alternative but to die. We have, therefore, decided to give separate directions in respect of the Prabartak Jute Mills,

leaving several matters to be decided by the employers in a spirit of cordial relationship with the employees, and we trust that the employees will feel imbued with a spirit of service to the community and will heartily co-operate with the employers in evolving schemes consistently with the continued existence and prosperity of the concern.

30(2). We may now proceed to state briefly the principles which we propose to apply in the case of this individual concern. We shall deal with those of the preceding issues in respect of which we have given directions or made recommendations, and indicate our special directions with regard to the subject-matter of each of those issues in respect of the Prabartak Jute Mills, stating, where necessary, the extent to which or the manner in which we have decided to deviate from the general directions. Before we do that, it will be useful to make a few comments with regard to some of the important issues. The scheme of standardised occupational nomenclature as per Appendix IV under Issue No. 2 should apply to the Prabartak Jute Mills. There is no difficulty in applying the nomenclature in spite of the fact that many of the occupations do not exist, and sometimes two or more occupations are combined in one individual in this mill. As regards the minimum basic wages under Issue No. 3, we are definitely of opinion that the minimum of Rs.26 per month of 208 hours for the lowest paid manual worker should apply to this mill, as we feel that no individual can work on an economic plane lower than the bare subsistence level, and we trust that even this small unit will be able to pull up its resources to meet this minimum human requirement. As regards piece-rates and time-rates for manual workers above the lowest paid categories, we notice that this mill has its own system including a sort of production bonus in the weaving department, and we prefer to leave to the employers the task of determining appropriate piece-rates and time-rates for the other manual workers consistently with the standard of minimum wages fixed by us and keeping in view appropriate standards of differentials. As regards clerical workers, we have fixed Rs.55 per month to be the minimum basic wages under Issue No. 3. We notice that in the Prabartak Jute Mills there are clerical workers on Rs.25 or Rs.30 as the starting pay. This standard is much too low. We think, however, that a standard of minimum basic wages to the extent of Rs.55 per month for clerical workers may be too high for this mill. We have, therefore, decided to fix Rs.45 per month as the minimum basic wages for clerical workers of this concern. We prefer to leave to the employers of the concern the task of deciding upon appropriate and fair scales and grades for clerical workers on the basis of Rs.45 per month as the minimum starting basic wages for the lowest grade clerks. As regards the question of dearness allowance under Issue No. 6, we notice that at present the dearness allowance allowed to clerical workers in the Prabartak Jute Mills is Rs.20 per month apart from subsidised rations, two units being supplied to married workers, and that allowed to manual workers, is Rs.4-8 per week as amenity allowance *plus* about Re.1-8 per week representing the cash value of food concessions. We do not propose any change in the present standards of dearness allowance in this concern. We had the opportunity of ascertaining the wishes of the workers whom we met as regards the food ration shop and we heard no complaint whatever. We accordingly direct that the food ration shop in this mill shall be maintained, subject to efficient management in the interest of the workers. As regards the question of bonus under Issue No. 5, we have given no directions at present, and we do not wish to say anything with regard to the Prabartak Jute Mills, the authorities of which will have the liberty of making a fair decision as regards the continuance of the *Puja* bonus which the clerical workers appear to be getting now. As regards our directions or recommendations under certain other issues in

set forth in the succeeding paragraph of this Award, we are of opinion that there should be no difficulty in applying them to the Prabartak Jute Mills, and we shall direct accordingly.

.30(3). In the result, we give the following directions in respect of the Prabartak Jute Mills:—

The scheme of standardised occupational nomenclature under Issue No. 2 shall apply. The minimum basic wages for manual workers and for clerical workers under Issue No. 3 shall be Rs.26 per month of 208 hours and Rs.45 per month, respectively. The piece-rates under Issue No. 4 for manual workers and the time-rates under Issue No. 5 for manual workers other than the lowest paid, and the scales and grades of basic wages for clerical workers shall be determined by the employers in a spirit of cordial relationship with the employees consistently with the financial capacity of the concern, and with the minimum basic standards fixed by us. As regards dearness allowance under Issue No. 6, the present standards of dearness allowance consisting of dearness allowance proper or amenity allowance and the value of food concessions may be maintained. The present food ration shop shall be maintained with efficiency. Our directions regarding involuntary unemployment under Issue No. 8 and the employment of women workers under Issue No. 10, the directions and recommendations regarding contract labour and sardar system under Issue No. 11, the directions regarding Standing Orders and other rules of service under Issue No. 12, leave, maternity leave and holidays under Issue No. 13, provident fund, gratuity and pension under Issue No. 14, medical facilities under Issue No. 16, working conditions and sanitary arrangements under Issue No. 17, cheap canteens under Issue No. 18, rest and recreation under Issue No. 19, free supply of implements and uniforms under Issue No. 22 and revision of the system of recording attendance under Issue No. 23, and our recommendations regarding housing under Issue No. 15 and educational facilities under Issue No. 21 shall apply.

SUMMARY OF THE AWARD.

31. **Preliminaries.**—*Paragraphs 1 to 1(18).*—Jute and the textile industry—past and present. The labour in the industry in West Bengal. Conditions of employment—unrest—disputes. Reference by Government of West Bengal to Tribunal for adjudication.

ISSUE No. 1.—Recognition of Trade Unions by the Employers.

Paragraphs 2 to 2(1).—Claim rejected as it is decided that the Tribunal has no jurisdiction to deal with the subject.

ISSUE No. 2.—Standardisation of Occupational Nomenclature and Categories of Workers.

Paragraphs 3 to 3(4).—Scheme of standardised occupational nomenclature in respect of manual workers set forth in Appendix IV. No such scheme drawn up in respect of clerical workers.

ISSUE No. 3.—Minimum Basic Wages for Manual Workers and Clerks.

Paragraphs 4 to 4(9).—(1) Minimum total emolument of a manual worker in all jute mills under reference fixed at Rs. 58-8 per month, consisting of minimum basic wages of Rs. 26 per month and dearness allowance of Rs. 32-8 per month.

(2) The minimum basic wages of a clerical worker is fixed at Rs. 55 per month in all jute mills except the Prabartak Jute Mills.

ISSUE No. 4.—Revision of Piece Rates.

Paragraphs 5 to 5(3).—Scheme of standardisation of piece-rates set forth in Appendix V for all jute mills except the Prabartak Jute Mills.

ISSUE No. 5.—Grades of Wages for Manual Workers and Clerks.

Paragraphs 6 to 6(9).—No grades fixed for manual workers. Grades fixed for lower grade clerical workers.

Scheme of standardisation of basic wages for manual workers in the batching, preparing, spinning, winding, beaming, weaving, finishing, sewing, packing and jute-handling departments set forth in Appendix VI, which is based primarily on the minimum basic wages of Rs.26 per month and the existing differentials with slight modifications. In no case shall the existing wages be rduced. Basic wages of other manual workers, namely, mill mistries, factory mistries, workers in general workshop, members of boilers and engine-room staff, durwans, Gurkha durwans, members of crews of boats and launches, drivers and cleaners of lorries and cars increased according to the following scheme:—

Up to Rs. 45 per month, increase of 18¾ per cent., subject to a minimum of Rs. 26 per month.

Over Rs. 45 and up to Rs. 75 per month, increase of 12½ per cent. subject to a minimum of Rs. 54 per month.

Over Rs. 75 per month, increase of 6¼ per cent., subject to a minimum of Rs. 85 per month.

Time-scales for lower grade clerical workers set forth below:—

Grade I—Rs. 70—4—130 (ordinarily for graduates).

Grade II—Rs. 55—3—85.

Clerks to be fitted into new scales as per directions in paragraph 6 9

Higher or special grades for clerks to be determined by employers

ISSUE No. 6.—Revision of Dearness Allowance.

Paragraphs 7 to 7(1).—(1) Dearness allowance for all categories of workmen, both manual and clerical, fixed at Rs. 32-8 per month consisting of dearness allowance proper at Rs. 23-13-3 per month (or Rs. 5-8 per week of 48 hours or anna 1-10 pies per hour) linked with attendance, and value of food concessions at Rs. 8-10-9 per month (or Rs. 2 per week) available for attendance for only one day in a week.

(2) Workmen in any individual mill allowed to receive the cash value of food concessions on exercise of the option therefor by at least 75 per cent. of the workmen in the mill. A choice once made shall be binding during the period of operation of the award.

(3) If in any concern the amount of dearness allowance, amenity allowance and other concessions amounts to more than the sum of Rs. 32-8 the existing privilege shall be maintained.

ISSUE No. 7.—Bonus for Past Years and for the Future: Profit-sharing Bonus.

Paragraphs 8 to 8(6).—The Tribunal decides that it has ample jurisdiction to adjudicate on the claim. Claim for bonus for past years not allowed. Claim for profit-sharing bonus for the future kept open, and no decision given pending the results of investigation by experts and by the Government of India.

ISSUE No. 8.—Payment for Period of Involuntary Unemployment.

Paragraphs 9 to 9(8).—Scheme for compensation for a period of involuntary unemployment due to stoppage of work owing to fire, catastrophe, breakdown of machinery, stoppage of power supply, epidemics, civil commotion, shortage of coal or of raw materials or of essential stores, changes in lines of production and other causes beyond the employer's control formulated. Every worker allowed during such a period of stoppage of work benefit to the extent of 50 per cent. of basic wages and of dearness allowance proper and the full food concession benefit in cash or kind under conditions laid down in the award.

ISSUE No. 9.—Procedure for Retrenchment and Payment of Compensation.

Stayed by High Court of Calcutta.

ISSUE No. 10.—Revision of Working Hours and of Spread-over Period.

Paragraphs 11 to 11(3).—Claim for revision of spread-over period abandoned at the hearing.

All mills to strictly adhere to the restrictions imposed in respect of the working hours of women workers under section 45(1)(b) of the Factories Act

Claim for reduction of the maximum number of working hours as laid down by section 34 of the Factories Act disallowed.

ISSUE No. 11.—Abolition of Contract Labour and Sardar System.

Paragraphs 12 to 12(7).—(1) System of employment of contract labour in the jute mills for the purpose of unloading and loading of raw jute and finished products or for any other essential process in the manufacture of jute products directed to be abolished forthwith in all mills.

(2) The practice of employing sardars for recruiting labour or of vesting sardars with power to interfere with the appointment or discharge of workers, permanent or temporary, directed to be abolished forthwith in all mills. The employment of sardars as Line Sardars or Foremen is permitted. It is recommended that a labour bureau should be established in every mill as soon as practicable, and appointments of permanent and temporary workers should be made by the management as far as practicable according to the recommendations of the labour officer, if any.

ISSUE No. 12.—Standing Orders and Rules of Service: Security of Service Probationary Period.

Paragraphs 13 to 13(3).—The Tribunal has framed Standing Orders on subjects specified by the Industrial Employment (Standing Orders) Act XX of 1946 under the heading of Standing Orders, which shall be accepted by every mill under reference as its own Standing Orders under Act XX of 1946. These Standing Orders are set forth in the First Part of Appendix VIII. "The other Rules of Service" have been set forth in the Second Part of the same Appendix.

ISSUE No. 13.—Rules of Leave, Maternity Leave, Holidays.

Paragraphs 14 to 14(12).—Leave and holidays for all categories of workmen formulated. Summary of leave and holidays awarded for different classes of workmen are as follows:—

(1) *Leave.*—(*a*) For manual and clerical workers within the meaning of the Factories Act—

Privilege leave on full pay over and above the period of ten days annual holidays allowed by the Factories Act and Sundays or substituted holidays as allowed by the Act—five days in the year cumulative for two years.

Casual leave without pay—ten days in a year.

Leave without pay—fifteen days in a year cumulative for two years.

(*b*) For clerical employees in the office—

Holidays on Sundays or substituted holidays on the lines of the Factories Act.

Privilege leave on full pay—twenty-one days in a year, cumulative for three years.

Casual leave with full pay—ten days in a year.

(*c*) For other manual and clerical employees—

Holidays on Sundays or substituted holidays on the lines of the Factories Act.

Privilege leave on full pay—fifteen days in the year cumulative to two years.

Casual leave without pay—ten days in a year.

For all categories of employees—

Sick leave on half pay—fifteen days in a year on the basis of a medical certificate as stated in the award.

This direction will hold good till the "sickness benefit" as provided for by section 49 of the Employees' State Insurance Act, 1948, becomes actually available.

(2) *Festival holidays*—for eight days in the year on days specified in the award.

If an employee is made to work on a festival holiday he shall be paid double wages for the day or a substituted holiday according to his choice.

Expressions "full pay" and "half pay" in the context of leave defined.

Any existing privileges of leave in any establishment that are more favourable to the workmen than those allowed under the award shall continue unaffected by the award.

(3) *Maternity leave*—Maternity leave or benefit to be allowed as under the Bengal Maternity Benefit Act of 1939 for the time being and in accordance with the Employees' State Insurance Act, 1949, when that Act comes into actual operation.

(4) *Leave in case of miscarriage*—Sickness leave on full pay up to a maximum period of two months after the date of miscarriage to be allowed on the basis of a medical certificate as laid down in the award.

ISSUE No. 14.—Provision for provident fund, gratuity and pension.

Paragraphs 15 to 15(8).—(1) Scheme of pension as at present obtaining in the jute mills to be discontinued forthwith. Those who have earned or may earn pensions before this award comes into operation shall not be governed by this direction.

(2) Contributory Provident Fund with a contribution of 6¼ per cent. of the basic wages by the employee and the employer to be introduced compulsorily for all categories of workmen.

Rules of provident fund as per Appendix X framed on the basis of the Model Rules of Provident Fund for industrial employees as framed by the Government of India.

(3) To obviate the hardship of old employees who will not have had the opportunity of earning the benefit of provident fund for a substantially long period and to meet other cases of hardship a scheme of gratuity complementary to the provident fund has been formulated.

ISSUE No. 15.—Housing and house allowance.

Paragraphs 16 to 16(8).—The problems of industrial housing and of the employer's responsibility in this connection discussed in the light of the Reports of the Royal Commission on Labour and of the Labour Investigation Committee and the deliberations of the Standing Labour Committee and the Industrial Housing Sub-Committee. The five-year labour programme of the Government of India and the resolution on the Government of India's industrial policy, dated 6th April 1948, considered. The Tribunal thereupon refrains from giving any directions at the present stage on the subject of housing for the industrial labour in the Jute Textile Industry. It, however, requests the Government to take up the question of housing of the jute mill labour in West Bengal as early as possible. It further recommends that the employers of the jute mills should push forward their building programmes and abolish the back-to-back huts and replace them by better houses as quickly as practicable.

Claim for house allowance not allowed at present.

ISSUE No. 16.—Revision of medical facilities.

Paragraphs 17 to 17(6).—(1) The circumstances leading to the enactment of the Employees' State Insurance Act, 1948, and its provisions discussed. As the State has alredy taken up the matter of improving the medical facilities available to industrial workers generally and to jute mill workers in particular, the Tribunal does not lay down any hard and fast rules in regard to medical facilities to be carried out by the employers. The Tribunal has, however, made certain recommendations for maintenance

and improvement of the existing hospitals and dispensaries till the new Insurance Act comes into full operation and the existing medical facilities become superfluous or merge in the new scheme under the Act.

(2) The Tribunal, however, gives specific directions in respect of what may be called a residue of medical amenities which is the sole responsibility of the employer. These directions have been given in paragraph 17(6) of the award.

ISSUE No. 17.—(a) Improvement of working conditions and sanitary arrangements and (b) Provision against occupational diseases and hazards.

Paragraphs 18 to 18(6).—(1) The Tribunal gives directions with regard to working conditions and sanitary arrangements to be observed by the mill authorities in paragraph 18(3) of the award.

(2) Facts showing that research in respect of industrial health and occupational diseases has already been taken up to some extent discussed. It has been recommended that the matter will be taken up by the authorities concerned.

ISSUE No. 18.—Cheap canteen.

Paragraphs 19 to 19(3).—The Tribunal directs the establishment and maintenance of cheap canteens in all jute mills.

ISSUE No. 19.—Provision for rest and recreation.

Paragraphs 20 to 20(3).—The Tribunal directs the establishment and maintenance of adequate rest shelters and of welfare or recreation centres in all jute mills.

ISSUE No. 20.—Provision for creches.

Paragraphs 21 to 21(3).—The Tribunal directs the establishment and maintenance of creches in all jute mills employing more than fifty women workers.

ISSUE No. 21.—Arrangement for educational facilities for adult workers and their children.

Paragraphs 22 to 22(5).—The responsibility of employers for provision of educational facilities for workmen and their children discussed. As the Provincial Government has already taken up the matter in hand in pursuance of a general scheme of advancement of education for the entire community, the Tribunal refrains from formulating any scheme. The Tribunal, however, directs that the existing institutions for providing education to workers or to their children should be continued and improved as far as practicable. The Tribunal recommends the establishment and maintenance of primary schools for workers' children and schools for adult workers in all jute mills

ISSUE No. 22.—(a) Free supply of implements to mechanical workers and carpenters, and (b) Free supply of uniforms to durwans and drivers and members of crews on launches.

Paragraphs 23 to 23(1).—(1) The Tribunal directs that free supply of implements to mechanical workers and carpenters be made in all the jute mills.

(2) The Tribunal accepts the proposal of the employers to supply summer and winter uniforms and water-proofs to durwans and drivers and shirts and shorts to members of crews on launches and directs accordingly.

ISSUE No. 23.—Revision of the system of recording attendance.

Paragraph 24.—The Tribunal directs that the present system of recording attendance should be discontinued as soon as possible and some sort of mechanical system which may be easily available under the present circumstances should be introduced at the earliest opportunity in all mills.

ISSUE No. 24.—Representatives of the employees to be taken in the administration.

Paragraphs 25 to 25(3).—The Tribunal holds that it has no jurisdiction to deal with the subject-matter of the issue and declines to give any direction on the subject.

ISSUE No. 25.—Relieving clerks and filling up of vacancies.

Paragraphs 26 to 26(1).—The Tribunal rejects the claim for increasing the strength of relieving clerks as obtaining in the Ganges Manufacturing Mill at Bansberia. The Tribunal directs that vacancies should be filled up with competent persons without any unreasonable delay.

ISSUE No. 26.—Specific cases of victimisation.

Stayed by the High Court of Calcutta.

ISSUE No. 27.—Nationalisation of Jute Textile Industry.

Paragraph 28.—The Tribunal decides that the subject-matter of this issue of nationalisation of Jute Textile Industry cannot constitute an industrial dispute and that it has no jurisdiction to deal with the issue. It, therefore, declines to give any direction or make any recommendation.

ISSUE No. 28.—Re-absorption of workmen in mills derequisitioned.

Paragraphs 29 to 29(1).—In paragraph 29(1) the Tribunal gives direc tions on the subject of re-absorption of workmen in derequisitioned mill under conditions as laid down therein.

ISSUE No. 29.—The case of Prabartak Jute Mills.

Paragraphs 30 to 30(3).—The Tribunal decides that the case of Prabartak Jute Mills should be dealt with separately. The minimum basic wages for manual workers and for clerical workers in the Prabartak Jute Mills shall be Rs.26 and Rs.45 per month, respectively. Piece-rates and time rates for manual workers other than the lowest paid and scales and grades for clerical workers to be determined by the employers. Present standard of dearness allowance may be maintained. The present food ration shop shall be maintained. The Tribunal's directions and recommendations in other respects as set forth in paragraph 30(3) shall apply to the Prabartak Jute Mills.

Conclusion.

32. We would like to add a few words in conclusion. First of all, our thanks are due to the representatives and lawyers of the Unions appearing on behalf of the workers and the representatives and lawyers appearing on behalf of the employers for the valuable assistance they have rendered to us throughout the proceedings. As regards the award, we have found certain issues to be outside our jurisdiction, apart from those issues in respect of which the proceedings have been stayed by an order of the High Court of Calcutta. With regard to certain other important issues like bonus, housing, etc., we have not been able to give any directions at the present stage, in view of the position that decisions in such subjects should wait till fuller materials as the result of current investigations by experts and by the Governments concerned are available. We have formulated schemes of standardisation as regards piece-rates and time-rates for different categories of workers, on the basis of rather inadequate materials made available to us, and we do not claim perfection of these schemes. Necessary modifications in the future will be facilitated by the experience gained both by the workers' Unions and the employers. We have been able to fix the minimum basic wages and dearness allowance constituting the minimum total emolument of the lowest paid manual worker at Rs.58-8 per month which together with the employers' contribution of Rs.1-10 to the provident fund will throw a burden of Rs.60-2 per month on the employer in respect of each lowest paid manual worker. We believe this standard compares very favourably, from the workers' point of view, with standards recommended or awarded for other concerns in recent times. We are conscious that we have not been able to go far enough or as far as we would wish, as our hands were necessarily restricted by various other factors which we were bound to consider in the interest not only of the industry and its constituent units but also of the vast population of workers themselves. We realise that the interest of the two are intrinsically bound up together, and we hope both will cultivate the same realisation, and each will act in furtherance of the interest of the other. It was absolutely necessary to make a start regarding fixation of the minimum emolument, standardisation and other subjects. We have given a start on the path of progress and have laid the first milestone at a considerable distance ahead. As we have already indicated, the rest of the path may be covered by a few more milestones to be laid by way of conciliation or adjudication or through any other convenient machinery in the future. We advise the workers, in all sincerity, to be patient and to proceed by gradual stages towards the goal, in a spirit of co-operation with the employers, and we equally advise the employers to adjust themselves, in good grace, to the new burdens imposed by this award, and to try their best to move further forward for the amelioration of the condition of the workers. On the present occasion we have been unable to go far enough for the simple reason that a sudden long jump would throw the industry out of gear to the serious detriment of the cause of the workers themselves. We therefore appeal to both sides to accept the award in the spirit in which it is given, independently of the position that it is binding on them, as we believe that a process of psychological reconciliation is a greater force than mere coercion. We are presenting this award to both sides with an invitation to be reconciled and to co-operate in furtherance of a better standard of living for the workers, and we trust that mutual heart-to-heart co-operation and not barren antagonism will open the door leading to the ultimate achievement of the goal through a series of adjustments. Meanwhile the only reasonable and beneficial course for the workers to adopt is to put their shoulders to the wheel with wholeheartedness and perfect sincerity and do everything in their power to step up production in their

own interests and in the interests of the country as a whole. We ca maintain our hard-earned independence only if our workers become determined to act in furtherance of a set policy of stepping up production to the farthest limit, which will have the effect of keeping down the price levels and giving to the workers the full value of their increased emoluments in the actual process of living. If profit-sharing bonus and other amenities are being aimed at, the best course is to step up production and thus to facilitate the accrual of substantial profits, large slices of which will be available for carrying out an all-round programme of achieving a high standard of living. We wish to impress on the workers that the world is best run on an ideal of "live and let live" and in order that the worker may hope to live in comfort and greater comfort the fountain producing the streams of comfort must be allowed to live and must be kept running with its full force and volume and must not be allowed to dry up to an extent. We hope this award will be helpful in establishing and maintaining peace and concord in the Jute Textile Industry in West Bengal, and we close with the hope that both employers and employees in the industry will act in a spirit of mutual forbearance and will prosper in an atmosphere of goodwill and peace.

S. N. MODAK, *Chairman*,

M. C. BANARJI, *Member*,

N. C. CHAKRAVARTI, *Member*.

Jute Textile Industry Tribunal, West Bengal

The 31st August 1948.

By order of the Governor,

D. S. P. MUKHERJEE,

Jt. Secy. to the Govt. of West Bengal

APPENDIX I. (*See* paragraph 1.)

List of Jute Mills

24-Parganas.

1. Budge Budge Jute Mill No. 1, Budge Budge.
2. Budge Budge Jute Mill No. 2, Budge Budge.
3. Budge Budge Jute Mill No. 3, Budge Budge (since merged in Mills Nos. 1 and 2).
4. Barnagar South Jute Mill, Alambazar.
5. Barnagar East Jute Mill, Alambazar.
6. The Kamarhati Company Limited, Kamarhati.
7. Old Clive Mill, 43-1, Garden Reach.
8. New Clive Mill, 43-1, Garden Reach.
9. Hooghly Jute Mill, 9, Garden Reach.
10. Shamnagar South Jute Mill No. 1, P.O. Garulia.
11. Titaghur Jute Mill No. 1, P.O. Titaghur.
12. Gourepore Jute Mill No. 1, Naihati, P.O. Gorifa.
13. Gourepore Jute Mill No. 2, Naihati, P.O. Gorifa.
14. Union Jute Mill, North, 12, Convent Lane, Entally.
15. Reliance Jute Mills Company's Kankinarrah "(A)" Mill, P.O. Bhatpara.
16. Kankinarrah Jute Mill "(B)", P.O. Bhatpara.
17. Union Jute Mill, South, Buddertallah, P.O. Bartala.
18. Standard Jute Mill, P.O. Titaghur.
19. Khardah Jute Mill No. 1, P.O. Titaghur.
20. Anglo-India Lower Jute Mill, P.O. Kankinarrah.
21. Anglo-India Middle Jute Mill, P.O. Kankinarrah.
22. Anglo-India Jagatdal Jute Mill, P.O. Kankinarrah.
23. North Alliance Jute Mill, P.O. Jagatdal.
24. South Alliance Jute Mill, P.O. Jagatdal.
25. Lansdowne Jute Mill, Dakhindari, P.O. Belgachia.
26. Naihati Jute Mill, P.O. Hazinagar.
27. Auckland Jute Mill, P.O. Jagatdal.
28. Kelvin Jute Mill, Titaghur, P.O. Titaghur.
29. Empire Jute Mill, Titaghur, P.O. Titaghur.
30. Caledonian Jute Mill, Badekalinagar, Chittragunge.
31. Cheviot Jute Mill, Badekalinagar, Chittragunge.
32. Waverly Jute Mill, Athpur, P.O. Shamnagar.
33. Orient Jute Mill, Kalipore-Achipur, P.O. Budge Budge.
34. Hukumchand Jute Mills, Kona-Halisahar, P.O. Hazinagar.
35. Birla Jute Mill, Shamganu, Birlapur, P.O. Budge Budge.
36. Nuddea Jute Mill (South), Kantalpara, P.O. Naihati.
37. Calcutta Jute Manufacturing Company, Limited, 93, Narkeldanga Main Road.
38. Megna Jute Mill (South), P.O. Jagatdal.
39. Agarpara Jute Mill, Kamarhatty.
40. Shree Gouri Shanker Jute Mills, Shamnagar, P.O. Garulia.
41. Nafar Chandra Jute Mills, Kantadanga Road, P.O. Kankinarrah.
42. The Barnagore Jute Factory Company, Limited, Bagging Mill, Colvin Ghat Road, P.O. Alambazar.
43. Luxmi Jute Mills, Limited, 134, Balliaghatta Road, P.O. Balliaghatta.
*44. Prabartak Jute Mills, Ltd., Belghariah, P.O. Kamarhati.

*Mills marked thus are not members of the Indian Jute Mills' Association.

45. Khardah Jute Mill No. 2, Khardah, P.O. Titaghur.
46. Sumnuggar South Jute Mill No. 2, Garulia.
47. Soorah Jute Mills Company, Limited, 102, Narkeldanga Main Road.
48. Alexandra Jute Mills, Limited, Jagatdal.
49. Nuddea Jute Mills Company, Limited (North), Kantalpara, P.O. Naihati.
50. Kinnison Jute Mills No. 1, P.O. Titaghur.

Howrah.

1. Fort Gloster Jute Mill (Old), Fort Gloster.
2. Fort Gloster Jute Mill (New), Fort Gloster.
3. Howrah Jute Mills No. 1, Ramkristopur, P.O. Sibpur.
4. Howrah Jute Mills No. 2, Ramkristopur, P.O. Sibpur.
5. Howrah Jute Mills No. 3, Ramkristopur, P.O. Sibpur.
6. Fort William Jute Mills No. 1, Sibpur.
7. Fort William Jute Mills No. 2, Sibpur.
8. Delta Jute Mill, Manikpore, P.O. Sankrail.
9. Belvedere Jute Mills, Sankrail.
10. Bally Jute Mill, Bally.
11. Lawrence Jute Mills, P.O. Chakasi.
12. National Jute Mill, Rajganj, P.O. Sankrail.
*13. Ludlow Jute Mill, Chengail, P.O. Chakasi.
14. Bengal Jute Mill Company, Limited, 493, Grand Trunk Road, Sibpur.
15. New Central Jute Mill, 36, Joya Bibi Lane, Ghusuri Bhotebagan.
16. Shree Hanuman Jute Mill, 76, Jogendra Nath Mukherji Road, P.O. Ghusury.
17. Adamjee Mills, Belur.
18. Naskarpara Jute Mill Company, Ghusury.
19. Prem Chand Jute Mill, Ltd., Chengail, P.O. Chakasi.
20. Kedarnath Jute Mills, 53, Dharamtolla Street, Salkia, Howrah.
21. Mahadeo Jute Mills Company, Badamtolla, P.O. Bally.
22. Bharat Jute Mills, Ltd., Kadamtola, Howrah.
23. Shree Ganesh Jute Mills, Ltd., 66, Howrah Road, P.O. Salkia.
24. Fort Gloster North Mill, Nalpur, P.O. Fort Gloster.
*25. Gagalbhai Jute Mills, Ltd., Sijberia, P.O. Uluberia.

Hooghly.

1. India Jute Mill No. 1, P.O. Serampore.
2. India Jute Mill No. 2, P.O. Serampore.
3. India Twist Mill No. 3, P.O. Serampore.
4. Victoria Jute Mill No. 2, P.O. Telmpara.
5. Wellington Jute Mill, P.O. Rishra.
6. Champdany Jute Mill, P.O. Baidyabati.
7. Dalhousie Jute Mill, Champdany, P.O. Baidyabati.
8. Angus Jute Mill, Bhadreswar, P.O. Angus.
9. Shanmagar North Jute Mill, P.O. Bhadreswar.
10. Presidency Jute Mill, P.O. Rishra.
11. Ganges Jute Mill No. 2, P.O. Bansberia.
12. Shree Luchminaram Jute Mill, P.O. Konnagar.
13. Hastings Mill, Ltd., Rishra.
14. Ganges Jute Mill No. 1, Bansberia.

*Mills marked thus are not members of the Indian Jute Mills' Association.

APPENDIX II.

[*See* paragraph 1(13).]

Serial No.	Demands.	Jute Mill Workers' Federation, Bengal.	Bengal Chatkal Mazdur Union (21 Unions).	Bengal National Chamber of Labour.	Howrah Zilla Chatkal Mazdur Union.	Bansberia Mill Employees' Union.
1	Fixation of basic minimum pay of— (*a*) Unskilled workers. (*b*) Clerks.	Working class—Rs. 40 per mensem. Middle class—Rs. 70 per mensem. Prayed also for fixation of wages unskilled, semi-skilled and skilled workers.	Unskilled workers—Rs. 40 per mensem. Clerks—Rs. 80 per mensem	Unskilled—Rs. 40 per mensem. Semi-skilled—Rs. 50 per mensem. Skilled—Rs. 65 per mensem. Highly skilled—Rs. 80 per mensem. Watch-ward—Rs. 60 per mensem.	Unskilled workers—Rs. 40 basic wages. Clerical Staff—Rs. 80.	Durwan—Rs. 40. Clerical—Rs. 80.
2	Revision of dearness allowance.	Working class—Rs. 35 per mensem. Middle class—As per Pay Commission.	All categories—Rs. 40 per mensem. Compilation of cost of living index.	(*a*) Dearness allowance—Rs. 35 with effect from 1st July 1944 to 1st April 1946. (*b*) Dearness allowance—Rs. 45 since 1st April 1946.	All categories—Rs. 45 ..	25 per cent. pay with fixed minimum of Rs. 45. Subsidised rations to be maintained.
3	Revision of piece-rate	No specific demands ..	Revision of piece-rates demanded so as to ensure the workers concerned such actual earnings as are commensurate with their position on the classified categories.	Rates of piece-workers to be revised in view of above and proportionate increements in basic rates be awarded.	No specific demands ..	No specific demands
4	Grade system— (*a*) Proper grade for each category of workers. (*b*) Time-scale of pay within the grade.	Introduction demanded; but no scheme given	Introduction of proper grade system for each different category with a time-scale within each grade so as to ensure regular and periodical increments.	No specific demands .	Introduction of time rates and graded scales	Grade system demanded for clerical staff— A—Rs.80—8—120; B—Rs.130—10—180; C—Rs.200—10—250. Special—Rs.250—25—300 Durwans—Rs.40—4—60 Heads—Rs.50—4—70.
5	Standardisation of— (*a*) Occupational nomenclature and categories of workers. (*b*) Wages.	Demands Standardisation of wages and occupational nomenclature	Standardisation of all wages and rates for the same category of workers and types of work throughout all the mills.	No specific demands .	Standardisation of wage rates	No specific demands.

Serial No.	Demands	Jute Mill Workers' Federation, Bengal.	Bengal Chatkal Mazdur Union (21 Unions).	Bengal National Chamber of Labour.	Howrah Zilla Chatkal Mazdur Union	Bansberia Mill Employees' Union.
6	Revision of working hours	No specific demands ..	(*a*) 40 hours week without reduction in rate or earnings (*b*) No overtime work beyond 48. (*c*) Abolition of night work for women.	No specific demands ..	40 hours week with no reduction in wages and earnings.	Factory Act provision to be maintained.
7	Extension of spread over period.	Daily spread over of work to be extended by one hour.	No specific demands ..	Ditto ..	No specific demands ..	No specific demands.
8	Payment for the period of involuntary unemployment due to shortage of work.	Pay for involuntary unemployment due to stoppage of work not caused by the employee concerned.	75 per cent of wages + full amenity allowance and supply of ration at normal subsidised rate.	Ditto ..	Compulsory allowance for stoppage of work not caused by employees.	Ditto.
9	Procedure for retrenchment and payment of compensation.	No retrenchment procedure in case of retrenchment— (*a*) length of service, i.e., first come first go. (*b*) Compensation: one month's pay—Dearness allowance for each year of service.	No specific demands ..	Ditto ..	No retrenchments and security of service.	Ditto.
10	Abolition of contract labour and sardars.	Abolition of contract labour demanded.	All forms of contract labour in mills to be abolished immediately.	Ditto ..	No specific demand for contract labour but wish abolition of sardar system.	Ditto.
11	Revision of standing orders and service rules.	Revision of standing orders formed by I. J. M. A	Revision should be made on the basis of the draft submitted by T. U. J. A Com. to L. C. on 2nd January 1946	As in previous column but with some modifications and additions.	No specific demands ..	Distribution of appointment letters. Maintenance of service books. Security of service. No discharge without three warnings. Promotion gradually without supersession. Clerks in offices to be classified under F. A.
12	Revision of leave rules .	Privilege leave—1 month for all workers. Festival holidays—2 days. Sick leave—15 days with full pay and 15 days with half pay. Casual leave—7 days. Maternity leave—4 months	Privilege leave—1 month, full pay. Casual leave—15 days, full pay. Sick leave—15 days with full pay and 15 days with half pay. Festival holidays—as declared by the Govt. Maternity leave—8 weeks. Public and Miscellaneous Provisions. Privilege leave to be up to 30 days per year.	Leave and holiday facilities as provided for in the Rules	Privilege leave—1 month on full pay. Casual leave—15 days on full pay. Sick leave—15 days full pay, 15 days half pay. Maternity leave—8 weeks [illegible] days under Maternity Benefit Act.	Privilege leave—30 days a year and cumulative. Casual leave—15 days a year. Sick leave—1 month, full pay, 2 months without pay. Maternity leave—3 months with pay. Weekly holidays and festivals. No clerk to be pressed to work on statutory and other holidays.

	(2) old age and (3) [illegible] of the worker.	(b) Contribution to provident fund [illegible] to be equal to the employee's yearly contribution and also one month's pay for the year of service on employees' Contributory Provident Fund. (c) Revision of present Pension Rules entitling worker to pension at half wages at retirement after 25 years.	(a) In lieu of pension provident fund on the basis of equal contributions at 12½ per cent. of wages. (b) Gratuity—1 month's wage for each year of service.	Addition of present pension fund and provident fund contribution system to be guaranteed.	Pension at half wages after 25 years' service and one-third after 10 years. Compulsory provident fund schemes on 12½ per cent. equal contribution basis.	Gratuity—one month for every year of service. Pension after 25 years at two-third last monthly pay of medically certified unfit. After 15 years one-third of last monthly pay. After 20 years half of last monthly pay. Widow's pension at one-third of the full pension drawn.
14	Housing and housing allowance.	Adequate housing accommodation or housing allowance.	Housing scheme or allowance of at least Rs. 10 per mensem.	Housing scheme or Rs. 10 home allowance.	Housing accommodation or Rs. 10 home allowance.	Provision to be made for adequate housing.
15	Revision of medical facilities.	Establishment of hospitals in jute area and improvement of medicine facilities in mills.	(a) Well-equipped hospital in jute areas, properly equipped dispensary in mills. (b) Research laboratory for occupational disease and treatment	Dispensary in each mill, hospital in each mill area, creches and maternity clinics	Medical aid for workers and families and creches.	Dispensary to be well equipped Free attendance in house of employees within municipal areas.
16	Improvement of working condition and sanitary arrangements.	Improvement of working condition and sanitary arrangements within mills and scientific outlet of dust and jute fibres in Batching and Preparing Departments.	No specific demands ..	Better ventilation and sanitation demanded supply of drinking water Separate bathing places for male and female workers.	Adequate supply of light, drinking water and bathing water.	Well-equipped lavatories to be opened for mill clerks.
17	Cheap canteen ..	Establishment of cheap canteen demanded.	Ditto ..	No specific demands ..	No specific demands	Staff canteen and cycle shed for monthly paid employees to be opened.
18	Provision for rest and recreation.	Provision for recreation and amusement and libraries	Ditto .	Reading room, library common room meeting hall demanded	Provision for amusements reading room and library	No specific demands
19	Arrangements for educational facilities for adult workers and their children in mill area.	Free education to adult workers and their children	Ditto	Schools for boys and girls arrangements for compulsory education	Free primary education and night schools	One school for boys and another for girls at least to M. E. standard.
20	Free supply of implements to mechanical workers and carpenters.	Free supply of instruments to carpenters and other mechanical workers	Ditto ..	No specific demands ..	Free supply of tools demanded.	No specific demands.

Serial No.	Demands.	Jute Mill Workers' Federation, Bengal.	Bengal Chatkal Mazdur Union (21 Unions).	Bengal National Chamber of Labour.	Howrah Zilla Chatkal Mazdur Union.	Bansberia Mill Employees' Union.
21	Bonus— (*a*) for past year, (*b*) for future.	Bonus for the years 1937-46 at 2 months' pay for each year. For future profit-sharing as in TIS Co., i.e., 22½ per cent. of net income after deduction of legitimate depreciation costs and providing for five per cent. dividend, should be distributed amongst workers in *pro-rata* basic wages. Bonus for past should be a charge on assets of Company.	(*a*) Immediate payment of three months' wages and allowances. (*b*) For future 25 per cent. of annual gross profit to be distributed amongst workers and clerks as profit-sharing bonus.	(*a*) For the past three months' and (*b*) for future at 25 per cent. of the gross profits to be distributed.	3 months' bonus as compensation for loss in real wages during war years. Henceforth, 25 per cent. of gross annual profits.	3 months' pay every year. Independence Day Bonus amounting to one month's pay. War Bonus amounting to pay for 72 days.
22	Recognition of Trade Union	For itself and its affiliated units.	To all registered Trade Unions.	Registered Trade Unions to be recognised.	Recognition of Unions and Factory Committees.	Recognition of Unions.
23	Revision of the system of recording attendance.	Introduction of punching system for recording attendance.	No specific demands ..	No specific demands ..	Introduction of punching system for recording attendance.	No specific demands.
24	Workers to be taken on in administration.	No demand ..	No demand ..	No demand ..	Simple request made ..	No demand.
25	Relieving clerks ..	Ditto ..	Ditto ..	Ditto ..	No demand ..	15 per cent. to be provided in each department and trained.
26	Vacancies (taken as referring only to clerks).	Ditto ..	Ditto ..	Ditto ..	Ditto ..	To be filled with competent persons without delay.
27	Derequisition of jute mills	Derequisitioning of jute mills demanded.	All requisitioned mills be reopened and original workers should be re-absorbed in their respective mills with previous service records intact and specific reference is made to Hastings.	No specific demands ..	Derequisitioning of jute mills demanded.	No specific demands.
28	Special cases of victimisation.	No specific demands ..	Wrongful dismissals of certain workers quoted from Megna, National, Titaghur, Gouripur, Hastings. Request for enquiry by Tribunal.	Ditto ..	No specific demands ..	Intimidation and rude behaviour by employers to be checked.
29	Nationalisation ..	No mention ..	No mention .	No mention .	Simple request ..	No mention.
30	Date from which award will be effective	No specific demands ..	All increases in basic pay, dearness allowance and other monetary benefits be ordered to be paid with retrospective effect as from 15th August 1947.	Increases on wages be awarded from the 15th August 1947.	No specific demands .	No specific demands.

APPENDIX III.

[*See* paragraph 1(17).]

List of specific cases of victimisation as per Issue No. 26.

Name of Mill by which discharged.	Name of worker discharged.	Designation.	Date of discharge.	Ticket No.
(*a*) As submitted by Bengal Chatkal Mazdoor Union—				
(*i*) Megna Mills ..	(1) Siddique (2) Baliram. (3) Ishaq. (4) Habib.	Weaving Department ..	23rd June 1947 ..	245 441 348 250
(*ii*) National Mill ..	(1) Makhan Pramanik (2) Jugol Ghara. (3) Ajmir.	Ditto ..	5th July 1947 ..	196 730 736
(*iii*) Gouripore Mills (No. 2)	(1) Bangshi (2) Bangshu.	Spinning Department ..	December 1946 ..	3344 3142
(*iv*) Hastings Mill	(1) Kanai ..	Markman ..	2nd August 1947 ..	..
(*b*) As submitted by Bengal Chatkal Mazdoor Union, Sibpur Branch—				
(*i*) Fort William Jute Mills, Ltd. (New Mill).	(1) Yasin ..	Spinning Department ..	30th July 1947 ..	151
(*ii*) Bengal Jute Mills Co., Ltd. ..	(1) Abdul Halim ..	Weaver ..	17th May 1947 ..	671
(*c*) As submitted by Budge Budge Chatkal Sramik Union under Bengal Chatkal Mazdoor Union—				
(*i*) Budge Budge Mill No. 4 .	(1) Sad Emani Begg entered as Sademali Sekh in Company's book.	Weaving Department ..	22nd January 1947 ..	588

Name of Mill by which discharged.	Name of worker discharged.	Designation.	Date of discharge.	Ticket No.
(*d*) As submitted by Secretary, Bengal Chatkal Mazdoor Union (Rishra Branch)—				
(*i*) Presidency Jute Mill	(1) Abdul, Machineman ..	Weaving Department ..	3rd week of August 1946.	..
	(2) Abdul Gani ..	Weaver No. 75/A6 ..	9th March 1946 ..	..
	(3) Kishore ..	Carrier Coolie, Jute Godown Department.	13th June 1947 ..	..
	(4) Daud ..	Lifter Coolie ..	13th June 1947 ..	..
(*ii*) Hastings Jute Mills	(1) Habib, No. 3 Machineman	Spinning Department ..	1st week of June 1947	..
	(2) Fatey ..	Sack-warper ..	3rd week of May 1947	..
(*e*) As submitted by Jute Mill Workers' Federation, Bengal—				
(*i*) Alliance Jute Mills (North) ..	(1) Debendranath Dutta ..	Winding Department ..	31st March 1947 ..	..
(*ii*) Alliance Jute Mills and other Mills under Messrs. Begg Dunlop Co.	(1) Paita Sardar, Sardar ..	Last worked under Alexandra	4th March 1947 ..	Craig—176 Alliance—124
(*iii*) Alliance Jute Mills (South)	(1) Bejoy Krishna Mitra ..	Bill Babu ..	April 1947 ..	..
	(2) Reshmi ..	Preparing Department ..	10th May 1946 ..	P 183
(*iv*) Alliance Jute Mills (South)	(1) Jogindra Ranjan Mallik ..	Time-keeper ..	1st April 1947 ..	..
	(2) Khelwan Singh ..	Boiler Department ..	May 1947 ..	..
(*v*) Megna Jute Mill .	(1) Ragedan Mistry ..	Engineering Department (Smithy).	30th July 1947 ..	40
(*vi*) Anglo-India, No. 2 (Upper) .	(1) Mokhan Lal .	Finishing Department ..	6 years back ..	56
(*vii*) Ardeal Jute Mills	(1) Koli Sardar	Weaving Department .	May 1947 ..	H K. 99

APPENDIX IV.

[*See* paragraph 3(1).]

Occupational nomenclature.

(A list of names by occupations in the Jute Mills in West Bengal.)

The following list shows the various departments in a Jute Mill and the categories of workers who may be found employed there. The list is comprehensive as far as the industry is concerned, but not indicative of the complement found in any particular mill.

The remark "Time and Piece" means that the workers in the particular occupation may be either Time-workers or Piece-workers

The remark "Piece" means that the workers in the particular occupation are Piece-workers.

The absence of any remark means that the workers in the particular occupation are Time-workers.

Batching Department.

Sardars (Head).

Selecting Sardars.
Softener Sardars.
Jute Cutting Sardars.
Teaser Sardars.
Softener Feeders.
Softener Receivers.
Teaser Feeders.
Teaser Coolies.
Dust Shaker Coolies.
Root Cutters.
Jute Piling Coolies.
Emulsion Tank Attendants.
Cutting Bale Openers (Time and Piece).
Carrying Coolies.
Weighmen.
Ankre Walas (Pickers).
Departmental Coolies.
Sweepers.
Selectors (Time and Piece).

Preparing Department.

Head Preparing Sardars.
Breaker Card Sardars.
Drawing Line Sardars.
Roving Line Sardars.
Shifter Sardars.
Picker Sardars.
Finisher Card Sardars.
Dollop Weighmen.
Breaker Root Cutters.
Breaker Feeders.
Breakers Receivers (Ordinary, Roll Forming, Automatic Can Trampling).
Card Feeders (Ordinary, Rolls, Large Can).
Card Receivers (Ordinary, Roll Forming, Automatic Can Trampling).
Drawing Feeders (Ordinary, Roll, Large Cans).
Drawing Receivers (Ordinary, Roll Forming, Automatic Can Trampling).
Breaker Receivers and Card Feeders (Ordinary, Rolls, Large Cans).
Card Receivers and 1st Drawing Feeders (Ordinary, Rolls, Large Cans).
1st Drawing Receivers and 2nd Drawing Feeders (Ordinary, Rolls, Large Cans).
Roving Feeders (Ordinary, Large Cans).
Rovers.
Roving Shifters.
Empty Rove Bobbin Coolies.
Picking Coolies.
Beltmen.
Sweepers.
Departmental Coolies (Coolies not otherwise catered for).

Spinning Department.

Head Sardars.
Second Sardars.
Line Sardars.
Shifter Sardars.
Head Coolie Sardars.
Reelers Line Sardars.
Hessian Warp Spinners (Ordinary, Self Doffing Slip or Controlled Draft).
Hessian Weft Spinners (Ordinary, Self Doffing Slip or Controlled Draft).
Sacking Warp Spinners (Ordinary, Self Doffing Slip or Controlled Draft).
Sacking Weft Spinners (Ordinary, Self Doffing Slip or Controlled Draft).
Sliver Spinning Feeders.
Shifters.
Rollermen.
Listmen (Hessian, Sacking).
Rove Bobbin Coolies.
Spinning Bobbin Coolies.
Twisters.
Beltmen.
Sweepers.
Spinning Doffing Coolies.
Departmental Coolies.
Temper Bankmen.

Winding Department.

Head Sardars.
Line Sardars.
Cop-Winding Sardars.
Warp Winding Sardars.
Spool Delivery Coolies.
Bobbin Cleaners.
Reelers (Time and Piece).
Sweepers.
Dyed Yarn Winders (Time and Piece).
Hessian Warp Winders (Piece).
Sacking Warp Winders (Piece).
Bundlers (Time and Piece).
Cop-Godown Coolies.
Sweepers.
Departmental Coolies.
Hessian Weft Winders (Piece).
Sacking Weft Winders (Piece).

Beaming Department.

Beaming Sardars.
Beaming Head Sardars.
Hessian Machine 1st Beamers (Time and Piece).
Beamers (Time and Piece).
Starchmen.
Departmental Coolies.
Sweepers.
Sacking Machine 1st Beamers (Time and Piece).
Beamers (Time and Piece).
Dyers.
Departmental Coolies.
Sweepers.

Weaving Department.

Hessian.

Hessian Head Sardars.
Hessian Line Sardars (Time and Piece).
Cambmen.
Mochis (Picker repairers).
Sweepers.
Departmental Coolies.
Weavers (Piece).

Sacking.

Sacking Head Sardars.
Sacking Line Sardars (Time and Piece).
Cambmen.
Mochis (Picker repairers).
Sweepers.
Departmental Coolies.
Weavers (Piece).

Finishing Department.

Damper Feeders.
Damper Receivers.
Calendar Feeders.
Calendar Receivers.

Cloth Examiners.
Cloth Repairers.
Lapping Machine Feeders (Time and Piece).
Lapping Machine Receivers (Time and Piece).
Crisping Machine Operatives.
Cropping Machine Feeders.
Cropping Machine Receivers.
Mangle Feeders.
Mangle Receivers.
Measuring Machinemen.
Beltmen.
Sweepers.
Departmental Coolies.
Sardars (Departmental and Sectional).
Balegharrymen.

Sewing Department.

Sardars (Departmental and Sectional).
Cutting Machine Feeders.
Cutting Machine Receivers.
Spliced Bag Joiners (Time and Piece).
Departmental Coolies.
Sweepers.
Sewing Machine Operatives (Piece).
Helpers.
Hemming Machine Operatives (Hemmers) (Piece).
Hand Sewers (Piece).
Twist Cutters.

Packing Department.

Hoop Cutters.
First Pressmen (Time and Piece).
Pressmen (Time and Piece).
Departmental Coolies.
Bale Godown and Export Coolies.
Press Markmen.
Bale Godown Markmen.

Mill Mistris.

(*Batching to Spinning.*)

Head Mistris.
Mistris (Departmental and Sectional).
Oilers.
Head Carpenters.
Carpenters.
Head Pin Boys.
Pin Boys.
Head Bar Boys.
Bar Boys.
Rollermen.
Sliver Can Repairers.
Brush Repairers.
Coolies.

Factory Mistris.

Head Mistris.
Mistris (Departmental and Sectional).
Oilers.
Head Carpenters.
Carpenters.
Press Pumpmen.
Coolies.

General Workshop.

Head Mistris.
Head Iron Turners.
Head Tinsmiths.
Head Blacksmiths.
Head Wood Turners.
Head Iron Turners.
Head Welders.
Head Moulders.
Head Cranesmen.
Turners (Iron).
Machinemen.
Mistris.
Oilers.
Carpenters.
Tinsmiths.
Wood Turners.

Blacksmiths.
Hammermen.
Painters.
Masons.
Coolies.
Septic Tank Mistris.
Welders.
Moulders.
Vicemen.
Basket Makers.
Cleaners.
Grinders.
Fitters.
Joiners.
Cranemen.
Rivetters.
Head Rivetters.
Coolies (General).
Mehtor-Jamadars.
Mehtors (male and female).
Malis.
Head Malis.
Masalchis.

Boilers and Engine Room Staff.

Tindals First
Tindals Second
Firemen
Boiler Mistris
Pumpmen
Boiler Cleaner Coolies
Ash Coolies
Coal Carrying Coolies
Engine Room Mistris
Engine Room Oilers
Rope Alley Khalasis
Head Electric Mistris
Electric Mistris
Armature Winders, Head
Winders
Motor Attendants
Switchboard Attendants

Durwans.

Jamadars
Havildars
Durwans

Gurkha Durwans.

Havildars
Naiks
L/Naiks
Sepoys

Jute Handling.

Sangras
Sajandars (Sarandars)
Tulandars
Coolies

Cargo Boats.

Cargo Boat Manjhis
Cargo Boat Dandis

Launch.

Serangs
Sukhanis
Engine Drivers
Firemen
Khalasis

Ferry Boats.

Ferry Boat Manjhis
Ferry Boat Dandis

Lorries and Cars.

Lorry Drivers
Motor Car Drivers
Lorry Coolies
Lorry and Car Cleaners

APPEENDIX V.

(*See* Issue No. 4.)

Standardised piece-rates.

I. Batching Department.

Cutting Bale Openers and Selectors—Rs.3 per hundred maunds.

II. Winding Department.

(*a*) *Reelers*—8 annas per 100 pounds of 8 pounds yarn.

Reeling Piece-rates.

1. The rates are per 100 lbs.

2. The counts are resultant or final counts. For example, 15 lbs. × 3 Ply will be 14 × 3 = 42 counts.

3. Count = weight in lbs. per spindle of 14,400 yds.

4. The rate meant for a particular range of counts will be applicable for any count within that range.

Rate per 100 lbs. in annas.	Range of counts.
2·10	71 and above.
2·20	64 to 70.
2·30	57 to 63.
2·40	51 to 56.
2·52	46 to 50.
2·65	41 to 45.
2·80	36 to 40.
3·02	31 to 35.
3·30	27 to 30.
3·60	23 to 26.
4·00	19 to 22.
4·50	16 to 18.
5·20	13 to 15.
6·40	10 to 12.
8·00	7 to 9.
10·00	Below 7.

(*b*) *Bundlers*—

6 pies per bundle of 56 pounds.

4 pies per bundle of 10 to 14 pounds.

(*c*) *Hessian Warp Winders*—4·2 annas per 100 pounds.

Sacking Warp Winders and Dyed Yarn Winders—3·6 annas per 100 pounds.

Hessian Weft Winders—

Up to 12 pounds yarn—5·95 annas per 100 pounds.

Over 12 pounds yarn—5·50 annas per 100 pounds.

Sacking Weft Winders—

Up to 30 pounds yarn—3·78 annas per 100 pounds.

31 to 45 pounds yarn—3·60 annas per 100 pounds.

46 pounds and over yarn—3·42 annas per 100 pounds.

III. Beaming Department.

First Beamer and Beamers collectively for Hessian Machine—12·5 annas per 1,000 yards of 400 threads.

First Beamer and Beamers collectively for Sacking Machine—10·83 annas per 1,000 yards of 400 threads.

Hessian Beaming Piece-rates.

Basis decided upon is—

12·5 annas per 1,000 yards of 400 threads. Table is provided to facilitate calculations:—

Up to		374	threads	14	pies	per 100 yards.
375	to	424	,,	15	,,	,,
425	to	474	,,	16	,,	,,
475	to	524	,,	17	,,	,,
525	to	574	,,	18	,,	,,
575	to	624	,,	19	,,	,,
625	to	674	,,	20	,,	,,
675	to	724	,,	21	,,	,,
725	to	774	,,	22	,,	,,
775	to	824	,,	23	,,	,,
825	to	874	,,	24	,,	,,
875	to	974	,,	25	,,	,,
975	or above		,,	26	,,	,,

Deduct 25 per cent. for Hibbert Machine.

For any fabric, to arrive at the number of threads per cut to obtain rate from the attached table, use the undernoted formulæ:—

Hessian (porter × cloth width) + 10 per cent. = threads.
Plains (porter × 2 × cloth width) + 10 per cent. } = threads.
Hessian D. W. Tarpaulin }
Twills (porter × 3 × cloth width) + 10 per cent. = threads.
In every case cloth width = contract finished cloth width.
In every case porter = contract porter.

Sacking Beaming Piece-rates.

Base—Annas 10-10 or 10·83 annas per 1,000 yards of 400 threads.

Up to		324	threads	11	pies	per cut	laid	100	yards.	
325	to	399	,,	12	,,	,,	,,	,,	,,	,,
400	to	474	,,	13	,,	,,	,,	,,	,,	,,
475	to	549	,,	14	,,	,,	,,	,,	,,	,,
550	to	624	,,	15	,,	,,	,,	,,	,,	,,
625	to	699	,,	16	,,	,,	,,	,,	,,	,,
700	to	774	,,	17	,,	,,	,,	,,	,,	,,
775	to	849	,,	18	,,	,,	,,	,,	,,	,,
850	or above		,,	19	,,	,,	,,	,,	,,	,,

Add 10 per cent. for Starched Warp.

Deduct 25 per cent. for Hibbert Machine.

In every case cloth width = contract finished cloth width.

In every case porter = contract porter.

IV. Weaving Department.

(*a*) Hessian Weaving Piece-rates.

1. The standard fabric is 10 ozs. 40 inch 11 porter 12 shots Hessian finished counts.

2. The standard length is 100 yards (36 inch measure) of yarn laid.

3. Base rates for the standard fabric for looms of the undernoted reed spaces are—

Up to 46½″	47″ to 53″ RS	53½″ to 59½″ RS	60″ to 70″ RS	70½″ to 86½″ RS	87″ RS and above	Annas per cut.
19·48	20·37	21·25	24·00	28·00	34·00	

4. Variation for Porter—

6	Porter	Deduct	5%
7	,,	,,	4%
8	,,	,,	3%
9	,,	,,	2%
10	,,	,,	1%
11	,,	No variation.	
12	,,	Add	1¼%
13	,,	,,	2½%
14	,,	,,	3¾%

5. Variation in Shots—

7	Shots	Deduct	41%
8	,,	,,	33%
9	,,	,,	25%
10	,,	,,	16½%
11	,,	,,	8%
12	,,	No variation.	
13	,,	Add	8%
14	,,	,,	16½%
15	,,	,,	25%
16	,,	,,	33%
17	,,	,,	41%

6. Variation in cloth width—

Fabrics up to 50″ width—2 per cent. per 5″ of width above or below 40″ calculated on each inch of cloth.

Fabrics over 50″ width—

2 per cent. per 5″ of width from 40″ to 50″ calculated on each inch of cloth.

1½ per cent. per 5″ of width above 50″ calculated on each inch of cloth.

Finished widths used in each case.

40″ width is used as basis for all calculations:—

Table is provided to facilitate calculations:—

Width of finished cloth (inches).			Width of finished cloth (inches).			Width of finished cloth (inches).		
25	Deduct	6·0 per cent.	50	Add	4·0 per cent.	75	Add	11·5 per cent
26	,,	5·6 ,,	51	,,	4·3 ,,	76	,,	11·8 ,,
27	,,	5·2 ,,	52	,,	4·6 ,,	77	,,	12·1 ,,
28	,,	4·8 ,,	53	,,	4·9 ,,	78	,,	12·4 ,,
29	,,	4·4 ,,	54	,,	5·2 ,,	79	,,	12·7 ,,
30	,,	4·0 ,,	55	,,	5·5 ,,	80	,,	13·0 ,,
31	,,	3·6 ,,	56	,,	5·8 ,,	81	,,	13 3 ,,
32	,,	3·2 ,,	57	,,	6·1 ,,	82	,,	13·6 ,,
33	,,	2·8 ,,	58	,,	6·4 ,,	83	,,	13 9 ,,
34	,,	2·4 ,,	59	,,	6·7 ,,	84	,,	14·2 ,,
35	,,	2·0 ,,	60	,,	7·0 ,,	85	,,	14 5 ,,
36	,,	1·6 ,,	61	,,	7·3 ,,	86	,,	14·8 ,,
37	,,	1·2 ,,	62	,,	7·6 ,,	87	,,	15 1 ,,
38	,,	·8 ,,	63	,,	7·9 ,,	88	,,	15·4 ,,
39	,,	·4 ,,	64	,,	8·2 ,,	89	,,	15 7 ,,
40	No variation.		65	,,	8·5 ,,	90	,,	16·0 ,,
41	Add	·4 per cent.	66	,,	8·8 ,,	91	,,	16·3 ,,
42	,,	·8 ,,	67	,,	9·1 ,,	92	,,	16·6 ,,
43	,,	1·2 ,,	68	,,	9·4 ,,	93	,,	16·9 ,,
44	,,	1·6 ,,	69	,,	9·7 ,,	94	,,	17 2 ,,
45	,,	2·0 ,,	70	,,	10·0 ,,	95	,,	17·5 ,,
46	,,	2·4 ,,	71	,,	10·3 ,,	96	,,	17·8 ,,
47	,,	2·8 ,,	72	,,	10·6 ,,	97	,,	18·1 ,,
48	,,	3·2 ,,	73	,,	10·9 ,,	98	,,	18·4 ,,
49	,,	3·6 ,,	74	,,	11·2 ,,	99	,,	18·7 ,,
						100	,,	19·0 ,,

Fractions—½″ or over will count as one inch.

7. Variation for Cloth Weight—

Formula to be applied for variation in cloth weights.

Standard width is 40 inches. Any fabric other than 40″ must be brought to 40″ weight basis.

Formula is—

$$\frac{\text{Porter} + \text{Shots}}{2} - 1 \cdot 5 = \text{Weight standard.}$$

Each half ounce up or down on the weight standard represents ·25 per cent. to be added to or deducted from the base rate.

Examples—

Hessian : 40″ 12 ozs. 11×12

$$\left(\frac{11+12}{2} - 1 \cdot 5\right) = 10$$

$12 - 10 = 2$

$\therefore 1\%$ to be added.

Hessian 40″ 8 ozs. 9×10

$$\left(\frac{9+10}{2} - 1 \cdot 5\right) = 8$$

$8 - 8 = 0$

$\therefore$ No variation.

Hessian 40″ 15 ozs. 11×15

$$\left(\frac{11+15}{2} - 1 \cdot 5\right) = 11 \cdot 5$$

$15 - 11 \cdot 5 = 3 \cdot 5$

$\therefore 1 \cdot 75$ per cent. to be added.

Where cloth is woven for Hessian Bags contract weight per yard will be arrived at as follows :—

$$\frac{\text{Bag Weight}}{\text{Cut length per bag in yards (including 3″ allowance for hemming).}}$$

8. All adjustments are on a percentage basis and are expressed in terms of the requisite base rate for the standard fabric.

It follows that it is not necessary to make a separate calculation for each adjustment in terms of the base rate.

The percentages applicable for each adjustment may be added to arrive at one percentage total to cover all adjustments necessary.

This percentage total, applied to the requisite base rate for the standard fabric, and added to, or deducted from, the base rate as the case may be, will give the desired rate for the fabric in question.

9. All rates are in annas per cut, laid 100 yards, and are calculated to two places of decimals correct.

10. Fabrics catered for are ordinarily Hessian fabrics with single warp and weft, of porter and shooting within the range of the tables given, and worked in ordinary looms within the range of the reed spaces detailed, one weaver one loom.

Hessian Weaving Piece-rate Calculation.

Fabric—

Width Reed space of loom = inches.

Porter

Shots

Contract weight per yard ozs.

Contract weight per yard—40″ width ozs.

Laid length per cut yds.

40″/10 ozs. 11×12 Scale Rate for " RS. = annas per cut.

∴.....yds. laid rate is.....as per cut.

	Add.	Deduct.
Adjust for Porter	%	%
Adjust for Shots	%	%
Adjust for Cloth Width	%	%
Adjust for Cloth Weight	%	%
Total adjustments		
Deduct smaller from larger		
Final adjustment (plus or minus)	+	—

% = annas per cut

(*b*) Sacking Weaving Piece-rates.

Plains.

1. The standard fabric is—28″ Plains 8 Porter 8 Shots finished count

2. The standard laid length is 100 yards (36 inch measure) of ya laid.

3. Base rate for the standard fabric for looms of reed space fr 27 inches to 39 inches is—

13·41 annas per cut.

4. Variation for Porter.—

3 Porter	Deduct	7½	per cent.
4 ,,	,,	6	per cent.
5 ,,	,,	4½	per cent.
6 ,,	,,	3	per cent.
7 ,,	,,	1½	per cent.
8 ,,	No variation.		
9 ,,	Add	2½	per cent.
10 ,,	,,	5	per cent.
11 ,,	,,	7½	per cent.

5. Variation in Shots.—

5 Shots	Deduct	36	per cent.
6 ,,	,,	24	per cent.
7 ,,	,,	12	per cent.
8 ,,	No variation.		
9 ,,	Add	12½	per cent.
10 ,,	,,	25	per cent.
11 ,,	,,	37½	per cent.
12 ,,	,,	51	per cent.

6 Variation in Cloth Width.—

·7 per cent. per 1 inch of width above or below 28″.

Table is provided to facilitate calculations:—

Width of finished cloth inches.			Width of finished cloth inches.		
15	Deduct	9·1%	26	Deduct	1·4%
16	,,	8·4%	27	,,	·7%
17	,,	7·7%	28	No variation.	
18	,,	7·0%	29	Add	·7%
19	,,	6·3%	30	,,	1·4%
20	,,	5·6%	31	,,	2·1%
21	,,	4·9%	32	,,	2·8%
22	,,	4·2%	33	,,	3·5%
23	,,	3·5%	34	,,	4·2%
24	,,	2·8%	35	,,	4·9%
25	,,	2·1%	36	,,	5·6%

Fractions—½″ or over will count as 1″.

7. Variation in Cloth Weight.—

Formula to be applied for variation in cloth weight.

Standard width is 28″.

Any fabric other than 28″ must be brought to 28″ weight basis.

Formula :—

$$\frac{\text{Porter}+\text{Shots}}{2}+6=\text{Weight standard.}$$

Each half ounce up or down on the weight standard represents ·4 per cent. be added to or deducted from the base rate.

Examples :— 24″ 16 ozs. 8×8

$$\left(\frac{8+8}{2}\right)+6=14 \text{ weight standard.}$$

24″=16 ozs ∴ 28″=18·67 ozs.

18·67 − 14=4·67

$$\frac{4\cdot67}{\cdot50}\times\cdot4\%=3\cdot74\% \text{ to be added.}$$

30″ 15 ozs. 8×9

$$\left(\frac{8+9}{2}\right)+6=14\cdot50 \text{ weight standard.}$$

30″=15 ozs. ∴ 28″=14 ozs.

14·50 − 14= ·50

$$\frac{\cdot50}{\cdot50}\times\cdot4\%=\cdot4\% \text{ to be deducted.}$$

Where cloth is woven for Sacking Bags contract weight per yard wi be arrived at as follows:—

$$\frac{\text{Bag Weight}}{\text{Cut length per bag in yards (including 3″ allowance for Hemming or 1″ allowance f unhemmed bags).}}$$

8. All adjustments are on a percentage basis and are expressed i terms of the base rate for the standard fabric. It follows that it is n necessary to make a separate calculation for each adjustment in terms the base rate. The percentages applicable for each adjustment may b added to arrive at one percentage total to cover all adjustments necessary

This percentage total, applied to the base rate for the standard fabric and added to, or deducted from, the base rate as the case may be, wil give the desired rate for the fabric in question.

9. All rates are in annas per cut laid 100 yards and are calculated t two places of decimals correct.

10. Fabrics catered for are ordinary Sacking Plains fabrics, wit double warp and single weft, of porter and shotting within the range o the tables provided, and worked in ordinary looms within the range o the reed spaces detailed, one weaver one loom.

Sacking Weaving Piece-rate Calculation.

Plains.

Fabric—Width

Porter

Shots

Contract weight per yard— ozs.

Contract weight per yard 28″ width ozs.

28″ Plains Fabric 8×8 14 ozs. per yard in 27″/39″ RS = annas per cut.

∴ 28″ Plains Fabric 8×8 14 ozs. per yard in yards laid = annas per cut.

	Add.	Deduct.
Adjust for Porter	%	%
,, ,, Shots	%	%
,, ,, Cloth Width	%	%
,, ,, Cloth Weight	%	%
Total adjustments		
Deduct smaller from larger		
Final adjustment (plus or minus)	+ —	% =

Annas per cut.

For Cloth woven for Sacking Bags, contract weight per yard will be arrived at ollows :—

Bag weight

t length per bag in yards (including 3″ allowance for Hemming or 1″ allowance for unhemmed bags).

(*c*) Sacking Weaving Piece-rates.

Twills.

1. The standard fabric is—26½″ Twills 6 Porter 8 Shots finished counts.
2. The standard laid length is 100 yards (36 inch measure) of yarn laid.
3. Base rate for the standard fabric for looms of reed space from 27 hes to 39 inches is—

13·41 annas per cut.

4. Variation for Porter.—

5	Porter	Deduct	3%
6	,,	No variation.	
7	,,	Add	3·5%
8	,,	,,	7·5%
9	,,	,,	12·0%
10	,,	,,	17·0%
11	,,	,,	22·5%

5. Variation in Shots.—

5	Shots	Deduct	36%
6	,,	,,	24%
7	,,	,,	12%
8	,,	No variation.	
9	,,	Add	12½%
10	,,	,,	25%
11	,,	,,	37½%
12	,,	,,	51%
13	,,	,,	65%

6. Variation in Cloth Width.—

·8 per cent. per 1 inch of width above or below 26½″.

Table is provided to facilitate calculations:—

Width of finished cloth inches.			Width of finished cloth inches.		
15	Deduct	9·2%	26	Deduct	·4%
16	,,	8·4%	26½	No variation.	
17	,,	7·6%	27	Add	·4%
18	,,	6·8%	28	,,	1·2%
19	,,	6·0%	29	,,	2·0%
20	,,	5·2%	30	,,	2·8%
21	,,	4·4%	31	,,	3·6%
22	,,	3·6%	32	,,	4·4%
23	,,	2·8%	33	,,	5·2%
24	,,	2·0%	34	,,	6·0%
25	,,	1·2%	35	,,	6·8%
			36	,,	7·6%

Fractions—½″ or over will count as 1″ except in the case of the basic width of 26½″.

7. Variation in Cloth Weight.—

Formula to be applied for variation in cloth weights.

Standard width is 26½".

Any fabric other than 26½" must be brought to 26½" width basis.

Formula is:—

$$\left\{\frac{(\text{Porter}+50\%)+\text{Shots}}{2}\right\}+6=\text{weight standard.}$$

Each half ounce up or down on the weight standard represents 50 per cent. to be added to, or deducted from, the base rate.

Examples:— 28" 15 ozs. 8×8

$$\left(\frac{8+4+8}{2}\right)+6=16\cdot00 \text{ weight standard.}$$

28"=15·00 ozs. ∴ 26½"=14·20 ozs.

16 — 14·20=1·80.

$$\frac{\cdot50}{\cdot50}\times 1\cdot80=1\cdot80\% \text{ to be deducted.}$$

30" 18 ozs. 8×9

$$\left(\frac{8+4+9}{2}\right)+6=16\cdot50 \text{ weight standard.}$$

30"=18·00 ozs. ∴ 26½"=15·90 ozs.

16·5 — 15·90= ·60.

$$\frac{\cdot50}{\cdot50}\times\cdot60=\cdot6\% \text{ to be deducted.}$$

Where cloth is woven for Sacking Bags contract weight per yard will be arrived at as follows:—

$$\frac{\text{Bag weight}}{\text{Cut length per bag in yards (including 3" allowance for hemming or 1" allowance for unhemmed bags).}}$$

8. All adjustments are on a percentage basis and are expressed in terms of the base rate for the standard fabric. It follows that it is not necessary to make a separate calculation for each adjustment in terms of the base rate.

The percentages applicable for each adjustment may be added to arrive at one percentage total to cover all adjustments necessary.

This percentage total, applied to the base rate for the standard fabric, and added to, or deducted from, the base rate as the case may be, will give the desired rate for the fabric in question.

9. All rates are in annas per cut laid 100 yards and are calculated to two places of decimals correct.

10. Fabrics catered for are ordinary Sacking Twill Fabrics, with Double warp and Single weft, of porter and shotting within the range of the tables provided, and worked in ordinary looms within the range of the reed spaces detailed, one weaver one loom.

Sacking Weaving Piece-rate Calculation.

TWILLS.

Fabric—
Width
Porter
Shots
Contract weight per yard ozs.
,, ,, ,, 26½″ width ozs.

26½″ Twill Fabric 6×8 14½ ozs. per yard in 27″/39″ RS=Annas per cut.
∴ 26½″ ,, ,, ,, ,, ,, yards laid=Annas per cut.

	Add.	Deduct.
Adjust for Porter	%	%
Adjust for Shots	%	%
Adjust for Cloth Width	%	%
Adjust for Cloth Weight	%	%
Total adjustments		
Deduct smaller from larger		
Final adjustment (plus or minus)	+	— % =

Annas per cut.

For cloth woven for Sacking Bags, contract weight per yard will be arrived at as follows:—

Bag Weight

Cut length per bag in yards (including 3″ allowance for hemming or 1″ allowance for unhemmed bags)

V. FINISHING DEPARTMENT.

Lapping Machine Feeders and Lapping Machine Receivers—
Hessian and Sacking—
Up to 56″ wide—2·6 annas per 1,000 yards.
57″ and over—add 20 per cent.
Hand Lapping—add 100 per cent.

VI. SEWING DEPARTMENT.

(*a*) Sewing Machine operatives and Spliced Bag Joiners—4 annas per 10,000 inches *plus* 1 anna per 100 bags.

Rates are to be calculated from the table given below which shows the sewing variations:—

Woolpacks—add 100 per cent.
Double sewing (twice sewn)—add 75 per cent.
Tar sewing—add 15 per cent.
Herackles and Union Sewing—deduct 25 per cent.

Machine Sewing Piece-rates—Hessian and Sacking.

Rates for Machine Sewer only.

Basis—Annas 4 per 10,000 inches *plus* anna 1 per hundred bags.

Length of Bag inches.	Annas per 100 Bags.	Length of Bag inches.	Annas per 100 Bags.	Length of Bag inches.	Annas per 100 Bags.
25	3·00	45	4·60	65	6·20
25½	3·04	45½	4·64	65½	6·24
26	3·08	46	4·68	66	6·28
26½	3·12	46½	4·72	66½	6·32
27	3·16	47	4·76	67	6·36
27½	3·20	47½	4·80	67½	6·40
28	3·24	48	4·84	68	6·44
28½	3·28	48½	4·88	68½	6·48
29	3·32	49	4·92	69	6·52
29½	3·36	49½	4·96	69½	6·56
30	3·40	50	5·00	70	6·60
30½	3·44	50½	5·04	70½	6·64
31	3·48	51	5·08	71	6·68
31½	3·52	51½	5·12	71½	6·72
32	3·56	52	5·16	72	6·76
32½	3·60	52½	5·20	72½	6·80
33	3·64	53	5·24	73	6·84
33½	3·68	53½	5·28	73½	6·88
34	3·72	54	5·32	74	6·92
34½	3·76	54½	5·36	74½	6·96
35	3·80	55	5·40	75	7·00
35½	3·84	55½	5·44	75½	7·04
36	3·88	56	5·48	76	7·08
36½	3·92	56½	5·52	76½	7·12
37	3·96	57	5·56	77	7·16
37½	4·00	57½	5·60	77½	7·20
38	4·04	58	5·64	78	7·24
38½	4·08	58½	5·68	78½	7·28
39	4·12	59	5·72	79	7·32
39½	4·16	59½	5·76	79½	7·36
40	4·20	60	5·80	80	7·40
40½	4·24	60½	5·84	80½	7·44
41	4·28	61	5·88	81	7·48
41½	4·32	61½	5·92	81½	7·52
42	4·36	62	5·96	82	7·56
42½	4·40	62½	6·00	82½	7·60
43	4·44	63	6·04	83	7·64
43½	4·48	63½	6·08	83½	7·68
44	4·52	64	6·12	84	7·72
44½	4·56	64½	6·16	84½	7·76
				85	7·80

The above rates are for bags sewn on two sides.

For bags sewn side and bottom use—

$$\left(\frac{\text{Length of bag} + \text{width of bag}}{2}\right) + 30\%$$ to obtain equivalent length in table.

The 30% extra in this case will be paid to the machinist only if no cooly is pplied to counter-lay bags.

(*b*) Hemming Machine Operatives—3 annas per 10,000 inches.

Machine Hemming Piece-rates.

Hessian and Sacking Rate for Machine Hemmer only.

Basis—3 annas per 10,000 inches.

Width of Bag inches.	Annas per 100 Bags.	Width of Bag inches.	Annas per 100 Bags.
14	·84	29	1·74
14½	·87	29½	1·77
15	·90	30	1·80
15½	·93	30½	1·83
16	·96	31	1·86
16½	·99	31½	1·89
17	1·02	32	1·92
17½	1·05	32½	1·95
18	1·08	33	1·98
18½	1·11	33½	2·01
19	1·14	34	2·04
19½	1·17	34½	2·07
20	1·20	35	2·10
20½	1·23	35½	2·13
21	1·26	36	2·16
21½	1·29	36½	2·19
22	1·32	37	2·22
22½	1·35	37½	2·25
23	1·38	38	2·28
23½	1·41	38½	2·31
24	1·44	39	2·34
24½	1·47	39½	2·37
25	1·50	40	2·40
25½	1·53	40½	2·43
26	1·56	41	2·46
26½	1·59	41½	2·49
27	1·62	42	2·52
27½	1·65	42½	2·55
28	1·68	43	2·58
28½	1·71	43½	2·61
		44	2·64
		44½	2·67
		45	2·70

(*c*) Hand Sewers—

Ordinary bags—5 annas per 100 bags.

Bags 60″ to 79″ in length—add 10 per cent.

Bags 80″ and over in length—add 20 per cent.

Woolpacks—add 300 per cent.

VII. Packing Department.

First Pressman and Pressmen collectively for the machine—

Hessian cloth—

Under 1,500 yds.—3·5 annas per bale.

Over 1,500 yds.—4 annas per bale.

Hessian bags—

Up to 600 bags—3·5 annas per bale

Over 600 bags—4 annas per bale.

All sacking—3·5 annas per bale.

Twine (bar bales)—4·375 annas per bale.

Repacks, *kutcha* iron or rope bound—deduct 30 per cent. from appropriate rate.

When bars are used—add 25 per cent. to appropriate rate

APPENDIX VI.

(*See* Issue No. 5.)

Nomenclature.	Basic Wages in rupees per month of 26 days or 208 hours.
Batching Department.	
Head Sardar	62·83
Selecting Sardar	45·50
Softener Sardar	42·25
Jute Cutting Sardar	42·25
Teaser Sardar	41·17
Softener Sardar	26·00
Softener Receiver	26·00
Teaser Feeder	26·00
Teaser Cooly	27·08
Dust Shaker Cooly	27·08
Root Cutter	27·08
Jute Piling Cooly	27·08
Emulsion Tank Attendant	40·08
Cutting Bales Opener (Time and Piece) ..	27·08
Carrying Cooly	27·08
Weighman	27·08
Ankrewala (Picker)	30·33
Departmental Cooly	27·08
Sweeper	26·00
Selector (Time and Piece)	35·75

Nomenclature.	Basic Wages in rupees per month of 26 days or 208 hours.
Preparing Department.	
Head Preparing Sardar	69·33
Breaker Card Sardar	46·58
Drawing Line Sardar	41·17
Roving Line Sardar	45·50
Shifter Sardar	40·08
Picker Sardar	40·08
Finisher Card Sardar	41·17
Dollop Weighman	27·08
Breaker Root Cutter	27·08
Breaker Feeder	27·08
Breaker Receiver—Ordinary	26·00
Breaker Receiver Roll Forming	30·33
Breaker Receiver Automatic Can Trampling ..	30·33
Card Feeder—Ordinary	26·00
Card Feeder Rolls	30·33
Card Feeder Large Can	30·33
Card Receiver—Ordinary	26·00
Card Receiver Roll Forming	30·33
Card Receiver Automatic Can Trampling ..	30·33
Drawing Feeder Ordinary	26·00
Drawing Feeder Rolls	30·33
Drawing Feeder Large Can	30·33
Drawing Receiver—Ordinary	26·00
Drawing Receiver Roll Forming	30·33
Drawing Receiver Automatic Can Trampling ..	30·33
Breaker Receiver and Card Feeder—Ordinary ..	27·08
Breaker Receiver and Card Feeder Rolls ..	30·33
Breaker Receiver and Card Feeder Large Can ..	30·33
Card Receiver and 1st Drawing Feeder—Ordinary	27·08
Card Receiver and 1st Drawing Feeder Rolls ..	30·33
Card Receiver and 1st Drawing Feeder Large Can	30·33
1st Drawing Receiver and 2nd Drawing Feeder—Ordinary	27·08
1st Drawing Receiver and 2nd Drawing Feeder Rolls	30·33
1st Drawing Receiver and 2nd Drawing Feeder Large Can	30·33
Roving Feeder-	
Ordinary	26·00
Large Can	26·00
Rovers	30·33
Roving Shifter	30·33
Empty Rove Bobbins Cooly	27·08
Picking Cooly	27·08
Beltman	45·50
Sweeper	26·00
Departmental Cooly not otherwise catered for ..	26·00

Nomenclature.	Basic Wages in rupees per month of 26 days or 208 hours
Spinning Department.	
Head Sardar	91·00
Second Sardar	76·92
Line Sardar	55·25
Shifter Sardar	48·75
Head Cooly Sardar	39·00
Reelers Line Sardar	44·42
Hessian Warp Spinner—	
Ordinary	33·58
Self-Doffing Slip	33·58
Controlled Draft	33·58
Hessian Weft Spinner—	
Ordinary	33·58
Self-Doffing Slip	33·58
Controlled Draft	33·58
Sacking Warp Spinner—	
Ordinary	33·58
Self-Doffing Slip	33·58
Controlled Draft	33·58
Sacking Weft Spinner—	
Ordinary	35·75
Self-Doffing Slip	35·75
Controlled Draft	35·75
Sliver Spinning Feeder	26·00
Shifter	28·17
Rollerman	40·08
Listman (Hessian and Sacking)	33·58
Rove Bobbin Cooly	27·08
Spinning Bobbin Cooly	27·08
Twister	30·33
Beltman	45·50
Sweeper	26·00
Spinning Doffing Cooly	27·08
Departmental Cooly	26·00
Temper Bankman	26·00
Winding Department.	
Head Sardar	59·58
Line Sardar	44·42
Cop Winding Sardar	52·00
Warp Winding Sardar	52·00
Spool Delivery Cooly	27·08
Bobbin Cleaner	26·00
Reeler (Time and Piece)	31·42
Sweeper	26·00
Dyed Yarn Winder (Time and Piece) ..	33·58

Nomenclature.	Basic Wages in rupees per month of 26 days or 208 hours.
Hessian Warp Winder (Piece)	33·58
Sacking Warp Winder (Piece)	32·50
Bundler (Time and Piece)	31·42
Cop-Godown Cooly	27·08
Sweeper	26·00
Departmental Cooly	26·00
Hessian Weft Winder (Piece)	34·67
Sacking Weft Winder (Piece)	33·58
Beaming Department.	
Beaming Sardar	58·50
Beaming Head Sardar	66·08
Hessian Machine, 1st Beamer (Time and Piece) ..	45·50
Beamer (Time and Piece)	40·08
Starchman	40·08
Departmental Cooly	27·08
Sweeper	26·00
Sacking Machine, 1st Beamer (Time and Piece) ..	44·42
Beamer (Time and Piece)	40·08
Dyer	30·33
Departmental Cooly	27·08
Sweeper	26·00
Weaving Department.	
HESSIAN.	
Hessian Head Sardar	125·67
Hessian Line Sardar (Time and Piece) ..	66·08
Cambman	40·08
Mochi (Picker-Repairer)	33·58
Sweeper	26·00
Departmental Cooly	27·08
Weaver (Piece)	44·42
SACKING.	
Sacking Head Sardar	140·83
Sacking Line Sardar (Time and Piece) ..	75·83
Cambman	40·08
Mochi (Picker-Repairer)	33·58
Sweeper	26·00
Departmental Cooly	27·08
Weaver (Piece)	49·83
Finishing Department.	
Head Sardar	57·42
Sectional Sardar	37·92
Damper Feeder	29·25
Damper Receiver	29·25
Calendar Feeder	31·42

Nomenclature.	Basic Wages in rupees per month of 26 days or 208 hours.
Calendar Receiver	30·33
Cloth Examiner	30·33
Cloth Repairer	27·08
Lapping Machine Feeder (Time and Piece) ..	29·25
Lapping Machine Receiver (Time and Piece) ..	29·25
Crisping Machine Operative	29·25
Cropping Machine Feeder	31·42
Cropping Machine Receiver	30·33
Mangle Feeder	31·42
Mangle Receiver	30·33
Measuring Machineman	44·42
Beltman	45·50
Sweeper	26·00
Departmental Cooly	27·08
Balegharryman	30·33

Sewing Department.

Departmental Sardar Sectional Sardar	52·00
Cutting Machine Feeder	29·25
Cutting Machine Receiver	26·00
Spliced Bag Joiner (Time and Piece) ..	27·08
Departmental Cooly	27·08
Sweeper	26·00
Sewing Machine Operative (Piece) ..	39·00
Helper	26·00
Hemming Machine Operative (Piece) ..	43·33
Hand Sewer (Piece)	28·17
Twist Cutter	27·08

Packing Department.

Hoop Cutter	40·08
First Pressman (Time and Piece)	45·50
Pressman (Time and Piece)	39·00
Departmental Cooly	27·08
Bale Godown and Export Cooly	30·33
Press Markman	44·42
Bale Godown Markman	44·42

Jute Handling Department.

Sangra	69·33
Sajandar (Sarandar)	59·58
Tulandar	35·75
Cooly	27·08

APPENDIX VII.

(*See* Issue No. 8.)

Copy of letter No. L-1891, dated 12th June 1944, from the Deputy Secretar to the Government of India, Department of Labour, to all Provincia Governments, etc.

Compensation for involuntary unemployment due to shortage of coal, ra materials or changes in lines of production.

I am to invite attention to the discussion on the above subject at th Tripartite Labour Conference held in September 1943. It has not bee easy to evolve precise proposals in this matter in view of the difference o some points apparent at the discussion and the need to meet varying con ditions to which the proposals may apply. Proposals for compensation fo involuntary unemployment of the kind referred to have to be considere not only with reference to possible schemes of unemployment insurance but also with reference to the obligation of Governments to grant relie where found necessary.

2. The Government of India feel that while it is not possible to pro pound a fully co-ordinated scheme in this respect which can be statutorily imposed, it is advisable that they should formulate certain principles which may suitably be considered by Provincial Governments and employe when occasion arises. The adoption of measures on the lines of those i the Annexure by all concerned would achieve a desirable uniformity i India. The Governments of individual States represented at the Labou Conference are also being apprised of the Government of India's proposal

3. I am to add that the Government of India will act on the principl stated in the Annexure, in respect of their own industrial establishments

Annexure.

(1) *Kinds of unemployment covered.*

(*a*) The proposals relate only to short-term unemployment, during th period of the war due to shortage of coal or raw materials or changes lines of production of which adequate notice cannot be given.

(*b*) The proposals do not cover closures of factories or of departmen due to special Government orders.

(*c*) The proposals do not cover closures of which adequate notice given under Standing Orders, whether statutory or voluntary.

(2) *Benefits to be given.*

(*a*) Benefit which should be on a scale lower than the ordinary rate pay may be fixed in either of two ways:—

(*i*) Seventy-five per cent. of the ordinary rate of pay for first to night of unemployment and 50 per cent. of the ordinary rate pay for the second fortnight of unemployment with possibly flat rate of benefit for persons drawing lower levels of incom

(*ii*) A flat rate which would be about 75 per cent. of the average lower range of wages rates in the undertaking.

(*b*) Duration of benefit should be one month in each half year, allowing for a waiting period of 7 days (benefit however to start from the first day of unemployment provided the unemployment lasts longer than the waiting period).

(*c*) This special unemployment benefit will not qualify a worker for bonuses determined by reference to earnings over any period.

(*d*) The cost of benefits will be admitted as revenue expenditure for income-tax and Excess Profit Tax purposes.

(3) *Conditions attached to benefit.*

(*a*) To qualify for benefit a worker must answer to a muster roll once a day at his usual place of employment or, with the permission of the employer, at any other place.

(*b*) A worker will be ineligible for benefit if he unreasonably refuses work even of a different sort in his usual factory or (provided employment offered is in the same locality) by transfer from one department to another in the same undertaking or industry (or from one industry to another). In case of dispute whether an objection to transfer was reasonable or not, an authority designated by the Provincial Government shall decide finally. For the transfer of Labour from one industry to another use will be made of the Employment Exchanges in respect of skilled and semi-skilled personnel and in the unskilled labour Supply Committee in respect of unskilled labour.

(*c*) The employer will not be entitled to discharge during the benefit period any worker who has been in continuous employment with the same employer or in the same industry in that locality for a period of not less than three months.

(4) *Benefit by whom given.*

The liability to pay benefit will be on the employer.

(5) *Industries covered.*

All industries should be covered whether engaged on war industry or otherwise.

(6) *Methods of ensuring payment of benefit.*

A Province (or State) should use its good offices or conciliatory powers to persuade employers to pay: though in suitable cases disputes in this regard can be referred to adjudication under Defence of India Rule 81A.

Where voluntary agreement between the employer and the workers has been reached or where the Provincial Government is satisfied as to the detailed measures of benefit necessary, the agreement or the details could be embodied in an order to be passed under Defence of India Rule 81A (1) (*b*) after consultation in individual cases with the Central Government.

The State Governments will utilise the appropriate legal machinery available to them.

Copy of letter No. L-1891, dated 1st March 1946, from the Deputy Secretary to the Government of India, Department of Labour, to all Provincial Governments, etc.

Compensation for involuntary unemployment due to shortage of coal, raw materials or changes in the lines of production.

I am directed to invite attention to this department letters No. L-1891, dated 12th June 1944 and 9th November 1945, on the above subject. As a result of consultations with the Provincial Governments and the employing departments of the Government of India, and of discussions at the Seventh Labour Conference held in November 1945 the Government of India have decided that the sub-clause (*b*) of clause 2 of the scheme detailed in Annexure to this department letter No. L-1891, dated 12th June 1944, should be amended to read as under:—

"Duration of benefit should be one month in each half year. No benefit will be given in the half-yearly periods January to June or July to December until the number of days of involuntary unemployment has exceeded seven in the aggregate in the half year."

It has been further decided that the scheme should be retained till the war time controls are lifted and unemployment due to shortage of coal, raw materials, or changes in lines of production ceases to be of serious moment.

APPENDIX VIII.

(*See* Issue No. 12.)

First Part.

Standing Orders.

1. These Orders shall come into force on

2. Classification of workmen—

(*a*) Workmen shall be classified as—

(*i*) Permanent,
(*ii*) Probationers,
(*iii*) *Badlis*,
(*iv*) Temporary,
(*v*) Casual,
(*vi*) Apprentices.

(*b*) A "permanent" workman is a workman who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probationary period of three months in the same or another occupation in the industrial establishment including breaks due to sickness, accident, leave, lock-out strike (not being an illegal strike), or involuntary closure of the establishment.

(*c*) A "probationer" is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed three months' service therein. If a permanent employee is employed as a probationer in a new post he may, at any time during the probationary period, be reverted to his old permanent post.

(*d*) A "Badli" is a workman who is appointed in the post of a permanent workman or a probationer who is temporarily absent

(*e*) A "temporary" workman is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period.

(*f*) A "casual" workman is a workman whose employment is of a casual nature.

(*g*) An "apprentice" is a learner who is paid an allowance during the period of his training.

3. **Service Records and tickets.**—(*a*) The establishment shall maintain vice Record Cards of standard size, wherein particulars of every workn, except a casual workman, shall be recorded. A standard Employnt Book shall also be maintained by the establishment, on behalf of ry workman, except a casual workman, wherein all particulars recorded the Service Record Card shall also be entered. The form of the Service cord Card and the Employment Book, which should be identical in ticulars, shall be as given in Appendix IX. Every workman, except asual workman, shall be provided with the Employment Book which will ve as his personal record of employment in the jute mill industry. A ual workman shall be provided with a "casual workman's card" on ch shall be entered the nature of the work done and the days on which has worked in the establishment. The establishment shall maintain a gister of Service Record Cards showing the following columns: serial mber, name, father's name, home address, date of first appointment and partment, remarks. Serial numbers in the Register shall be shown on corresponding Service Record Cards.

(*b*) Every workman shall be provided with a departmental ticket owing his class and number and serving the purpose of a token disc for ntification, and shall, on being required to do so, show it to any person thorised by the manager to inspect it, or surrender it to any person thorised by the manager in this behalf.

(*c*) Loss of any employment book or of any departmental ticket shall mediately be notified to the manager. A duplicate shall be issued on yment of a reasonable sum by the workman concerned.

4. **Publication of working time.**—The periods and hours of work for classes of workers in each shift shall be exhibited in English and in the mipal languages of the workmen employed in the establishment on tice boards maintained at or near the main entrance of the establishnt and at the time-keeper's office, if any.

5. **Publication of holidays and pay days.**—Notices, specifying (*a*) the s observed by the establishment as holidays and (*b*) pay days, shall be sted on the said notice boards.

6. **Publication of wage rates.**—Notices, specifying the rates of wage yable to all classes of workmen and for all classes of work shall be d ayed on the said notice boards.

7. **Shift working.**—More than one shift may be worked in a depart ent or departments or any section of a department of the establishment at e discretion of the employer. If more than one shift is worked, the

workman shall be liable to be transferred from one shift to another. A shift working shall be discontinued without one month's notice being given prior to such discontinuance, provided that no such notice will be necessary, if as a result of the discontinuance of the shift, no permanent workman will be discharged. If as a result of the discontinuance of the shift working any permanent workmen are to be discharged, they shall be discharged having regard to the length of their service in the establishment, those with the shortest term of service being discharged first. If shift working is restarted, a week's notice thereof shall be given by posting a notice at the main entrance of the establishment and at the time-keeper's office, if any. The workman discharged as a result of the discontinuance of the shift shall, if they present themselves at the time of the re-starting of the shift, have preference in being re-employed having regard to the length of their previous service in the establishment, those with the longest term of service being re-employed first.

8. **Attendance and late coming.**—All workmen shall be at work at the establishment at the time fixed and notified under paragraph 4 of the orders. Workmen attending late will be liable to the deduction provided for in the Payment of Wages Act, 1936. Any workman who after checking in is found to be absent from his proper place of work during working hours without permission or without sufficient reason shall be liable to be treated as absent without leave.

9. **Leave and holidays.**—(*a*) Holidays with pay will be allowed as provided in chapter IVA of the Factories Act, 1934, and other holidays in accordance with law, contract, custom and usage.

(*b*) A workman who desires to obtain leave of absence shall apply through the head of the department, to the manager, who shall issue orders on the application within a week of its submission or two days prior to the commencement of the leave applied for, whichever is earlier provided that if the leave applied for is to commence on the date of the application or within three days thereof, the order shall be given on the same day. If the leave asked for is granted, a leave pass shall be issued to the workman. If the leave is refused or postponed, the fact of such refusal or postponement and the reasons therefor shall be recorded in writing in a register to be maintained for the purpose, and if the workman so desires a copy of the entry in the register shall be supplied to him. If the workman after proceeding on leave desires an extension thereof, he shall apply, through the head of the department, to the manager, who shall send a written reply either granting or refusing extension of leave to the workman, if his address is available and if such reply is likely to reach him before the expiry of the leave originally granted to him.

(*c*) If the workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose his lien on his appointment, unless he (1) returns within eight days of the expiry of the leave, and (2) explains to the satisfaction of the manager his inability to return before the expiry of his leave. In case the workman loses his lien on his appointment, he shall be entitled to be kept on the list of *Badlis*.

(*d*) A workman may be granted casual leave of absence with or without pay not exceeding ten days in the aggregate in a calendar year. Ordinarily previous permission of the head of the department in the establishment shall be obtained before such leave is taken, but when this is not possible, the head of the department shall, as soon as practicable be informed in writing of the absence and of the probable duration of such absence.

0. **Requirements to enter premises by certain gates and liability to ch.**—(*a*) All workmen shall enter and leave the mill premises only he gates appointed for the purpose by the management. Mill gates be kept closed during working hours at the discretion of the manage- t and workmen must not leave the premises during working hours with- permission.

b) All workmen entering or leaving the mill, and at any time when ial circumstances warrant it, are liable to be called upon by the works hmen or other persons authorised by the management, to show that are not in unauthorised possession of any property belonging to the pany or any article prejudicial to the security of any person or pro- y in the mill. In the case of female workmen, only women will be orised to conduct the necessary investigation.

1. **Payment of wages.**—(*a*) Any wages, due to the workmen but not on the usual pay day on account of their being unclaimed, shall be by the employer on an unclaimed wage pay day in each week, which be notified on the notice boards as aforesaid.

b) Wages due shall be paid daily, weekly, or monthly in accordance the provisions of the Payment of Wages Act.

2. **Stoppage of work.**—(*a*) The employer may, at any time in the t of fire, catastrophe, breakdown of machinery, stoppage of power ly, epidemics, civil commotion, shortage of coal or of raw material or ssential stores, changes in lines of production and other causes beyond control, stop any section or sections of the establishment, wholly or tially, for any period or periods without notice.

b) During such stoppage of work, a workman shall be entitled to pay- t at the rate of 50 per cent. of the basic wages and of the dearness wance, and each workman shall continue to receive weekly rations at normal subsidised rates or the cash value of the food concession. In case of a workman paid at piece rates, the rate of wages should be n to be the average wages of the preceding seven working days of such man. The duration of the benefit shall be one month in each half from January to June and July to December respectively. This ht does not qualify a workman for bonuses determined by reference to ings over any period.

c) To qualify for the benefit during such stoppage of work, a workman t answer to a muster roll once a day at his usual place of employment with the permission of the employer, at any other place. A workman be ineligible for the benefit if he unreasonably refuses work even of a rent sort in his usual factory, or (provided the employment offered is he same locality) by transfer from one department to another in the same ertaking, or from one jute mill to another. Nothing in this paragraph ll affect the right of the employer to discharge the workman, or the t of the workman to discharge himself, with due notice according to and under paragraph 13 below.

d) The employer may, in the event of a strike affecting either wholly partially any section or department of the establishment, close down er wholly or partially such section or department and any other section department affected by such closing down. The fact of such closure ll be notified by notices put upon the notice board in the section or artment concerned, and in the time-keeper's office, if any, as soon as cticable. The workmen concerned shall also be notified by general ice, prior to resumption of work, as to when work will be resumed.

13. **Termination of employment.**—(*a*) For terminating employme a notice in writing shall be given either by the employer or by the w man for the periods noted below:—

In the case of monthly-paid permanent workmen, probationers a apprentices, one month's notice shall be necessary. In the case of manent workmen, probationers and apprentices paid on any other ba two weeks' notice shall be necessary. In the case of *badli*, wh period of employment for the time being has exceeded fourteen d continuously, seven days' notice shall be necessary; if the unexp period of the present employment of a *badli* be less than seven days, notice shall be for such unexpired period only. It will be optional for employer to pay the wages for the notice period in lieu of notice notice shall be necessary in the case of temporary or casual workmen.

(*b*) Where the employment of any workman is terminated, all wa earned and unpaid shall be paid to him at the time of discharge, convenient, or in any case within the period of time prescribed by Payment of Wages Act.

14. **Disciplinary action for misconduct.**—(*a*) A fine may be imp on any workman in respect of an act or omission on his part, in accorda with section 8 of the Payment of Wages Act, 1936.

(*b*) A workman may be suspended for a period not exceeding four d at a time, or dismissed without notice or any compensation in lie notice, if he is found to be guilty of misconduct.

(*c*) The following acts and omissions shall be treated as misconduct

(*i*) Wilful insubordination or disobedience, whether alone or combination with others, to any lawful or reasonable order superior,

(*ii*) theft, fraud, or dishonesty in connection with the empl business or property,

(*iii*) wilful damage to or loss of the employer's goods or propert

(*iv*) taking, giving, offering or asking for bribes or any illegal g fications whatsoever,

(*v*) habitual absence without leave or absence without leave for than ten days,

(*vi*) habitual late attendance,

(*vii*) habitual breach of any law applicable to the establishment,

(*viii*) riotous or disorderly behaviour during working hour at establishment or any act subversive of discipline,

(*ix*) habitual negligence or neglect of work,

(*x*) frequent repetition of any act or omission for which a fine be imposed,

(*xi*) striking work or inciting others to strike work in contrave of the provisions of any law or rule having the force of law

(*xii*) engaging in trade within the mill premises without the per mision of the management,

(*xiii*) habitual breach of rules or instructions for the maintenance and running of any department or the maintenance of the cleanliness of any portion of the mill premises or mill compound,

(*xiv*) allowing an unauthorised person to operate in machine,

(*xv*) collection of moneys within the mill premises during working hours for purposes not sanctioned by the management,

(*xvi*) smoking on the factory or godown premises.

(*d*) Without prejudice to the foregoing, it shall always be optional to the management to impose a fine in accordance with the provisions of the Payment of Wages Act instead of dismissing.

(*e*) No order of dismissal shall be made unless the workman concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the circumstances alleged against him. The approval of the manager of the establishment and, where there is no manager, of the employer, is required in every case of dismissal, and when circumstances appear to warrant it, the manager or the employer may, whether an appeal has or has not been preferred, institute independent enquiries before dealing with the charges against a workman.

(*f*) An order of suspension shall be in writing and may take effect immediately on delivery to the workman. Such order shall set out in detail the alleged misconduct and the workman shall be given an opportunity of explaining the circumstances alleged against him. If on an enquiry the order is confirmed, the workman shall be deemed to have been absent for the period of suspension and shall not be entitled to any remuneration for such period. If, however, the order is rescinded, the workman shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been suspended.

(*g*) In awarding punishment under this Standing Order, the manager shall take into account the gravity of the misconduct, the previous record, if any, of the workman and any other extenuating or aggravating circumstances that may exist. A copy of the order passed by the manager shall be supplied to the workman concerned.

15 **Complaints and appeals.**—(*a*) All complaints arising out of employment, including those relating to unfair treatment, or wrongful exaction or wrongful application of these rules, shall be submitted to the manager or any other person authorised in this behalf.

(*b*) The order of the manager or of the authorised person, upon such complaint, as also an order of imposition of fine, of suspension, or of dismissal shall be subject to a right of appeal by the workman to his employer. The managing agents shall be deemed to be employers within the meaning of these rules.

16 **Certificate on termination of service.**—Every workman shall be entitled to a service certificate at the time of his dismissal, discharge, or retirement from service.

17 **Liability of Manager.**—The manager of the establishment shall be held personally responsible for the proper and faithful observance of the Standing Orders and other Rules of Service.

18. **Exhibition of Standing Orders.**—A copy of these orders in English and in the principal languages of the workmen employed in the establishment shall be posted at the manager's office and on a notice board maintained at or near the main entrance to the establishment and shall be kept in a legible condition.

SECOND PART.

Other Rules of Service.

1. **Cadre of permanent posts.**—(*a*) There shall be a fixed cadre of permanent posts for every department of the establishment.

(*b*) The cadre of permanent posts shall be liable to periodical revision according to requirements.

2. **Appointment as permanent workmen.**—All appointments as permanent workmen, (*a*) in the Engineering section or, (*b*) on the clerical staff, either in the factory or in the office, or, (*c*) in the capacity of line sardars shall be made on three months' probation; provided that a *badli* who has put in at least three months' approved service of a similar nature shall not be required to undergo a period of probation before being appointed as a permanent workman.

3. **Transfer of ownership and change of managing agents.** In the event of transfer of ownership of the mill or of change of managing agents, the workman shall remain unaffected as regards continuity of service.

4. **Registration for work as badlis.** (*a*) Any person may apply in writing or in person for work as a *badli* at the labour bureau.

(*b*) The application with full particulars shall be registered.

(*c*) All registered applicants shall be given a trade test where necessary.

(*d*) If approved, their names, when vacancies occur, will be included in the list of registered *badlis*.

5. **Appointments of registered badlis.**—(*a*) All workmen who act as substitutes for permanent workmen for more than a week shall be registered as *badli* workers and shall receive employment in strict rotation.

(*b*) A *badli* workman's name may be removed from the list of registered *badlis* for—

(*i*) any of the acts or omissions listed as misconduct in the Standing Orders,

(*ii*) failure to reach the standard of efficiency and conduct required by the job he does,

(*iii*) continued non-attendance or repeated absence when due for employment.

If so treated the workman shall be notified in writing.

(*c*) Temporary vacancies in the ranks of the sardar staff shall be filled by the department from an approved list of *badli* Sardars, appointments being made in strict rotation irrespective of the length of the period for which they are made.

(*d*) The first fourteen days of employment of a *badli* appointed in place of a permanent workman may be terminated without notice.

(*e*) One week's notice of the termination of employment or one week's wages in lieu of notice shall be given to any *badli* employed for more than fourteen days.

(*f*) There shall be two classes of employment of *badlis*, namely, (*i*) "short", lasting under eight weeks, and (*ii*) "long", lasting eight weeks and over. The work in each class shall be given in strict rotation in the order in which the names occur in the *Badli* Register. The order of rotation shall be shown clearly in an indicator, so that persons interested may see it.

(*g*) If a *badli* is absent when his turn comes for either class of employment, he will forfeit that turn and the absence will be noted in the Register.

(*h*) If a *badli* is working when his turn comes for "short" employment, he will forfeit that turn and the fact that he is working will be noted in the Register.

(*i*) If a *badli* is working on "short" employment, when his turn comes for "long" employment, he will be given "long" employment automatically and the remaining period of short work given to the next person on the list for "short" employment.

(*j*) If "short" employment is converted to "long" employment by reason of the permanent workman asking for extra leave for eight weeks or more, a week's notice will be given to the short term *badli* employed and the job then given to the next person on the list for "long" employment.

(*k*) If "short" employment is converted to "long" employment in the same way but the period of extra leave is less than eight weeks, the job for that period will be given to the next person on the list for short employment.

(*l*) If a *badli* is working on "long" employment and is absent for a short period the job will be given for that period to the next person on the list for "short" employment.

(*m*) If a *badli* is working on "long" employment he will remain in that employment until the permanent workman returns or the job is declared vacant.

(*n*) Appointments, whether for "short" or "long" employment, shall, where necessary, be extended by the period of grace allowed under paragraph 9(*c*) of the Standing Orders.

(*o*) If a *badli* selected for a permanent vacancy is absent with the permission of the management, the vacancy will be kept open till his return as far as practicable.

6. **Exhibition of rules of service.** A copy of these rules in English and in the principal languages of the workmen employed in the establishment shall be posted at the Manager's office and on a notice board maintained at or near the main entrance to the establishment and shall be kept in a legible condition.

APPENDIX IX.

[*See* Issue No. 12, paragraph 13(2).]

Workman's Service Record.

Register Serial No..... Name of Mill.....

Name ..... Home address :

Father's or husband's name ....

Religion..... sex ....

Date of birth..... .....

Date of joining.....

Can read..... write.....

Height ..... Local address :

Identification marks..... .....

Class of workman..... .....

Department..... .....

Photograph

L. T. I

Employment history.

Mill No.	Department.	Token No.	Designation.	M/C No.	Rate of pay.	Joined.	Left.	Reason.	Quality of work.	Conduct

Warnings and fines.

Date.	Department.	Reason.	Amount.	Date.	Department	Reason	Amount
			Rs.				Rs.

Absence periods.

From	To	Reason.	From	To	Reason.	From	To	Reason

Medical report.

Workmen's compensation.	Maternity benefit

APPENDIX X.

(*See* Issue No. 14.)

Rules of Provident Fund.

1 *Definitions.*—In these rules, unless there is anything repugnant in subject or context—

(*a*) "Board" means the Board of Trustees constituted under rule 2;

(*b*) "Children" means legitimate children and step-children, but ludes adopted children only if the Board is satisfied that under the sonal law of the subscriber, adoption is legally recognised as conferring status of a natural child;

(*c*) "Monthly emoluments" means pay in cash drawn monthly by an ployee, including any wages paid to employees not remunerated by fixed nthly pay, but does not include any overtime allowances, any dearness lowance or bonuses:

Provided that the monthly emoluments of an employee paid at daily tes shall be deemed to be 26 times his daily rate of wages admissible to m for the first normal working day of the month;

(*d*) "Family" means—

(*i*) in the case of a male subscriber, the wife or wives and children of subscriber, and the widow or widows and children of a deceased son of e subscriber:

Provided that if a subscriber, proves that his wife has been judicially parated from him or has ceased under the customary law of the community which she belongs to be entitled to maintenance, she shall henceforth be emed to be no longer a member of the subscriber's family unless the bscriber subsequently indicates by express intimation in writing to the ard that she shall continue to be so regarded;

(*ii*) in the case of a female subscriber, the husband and children of the bscriber, and the widow or widows and children of a deceased son of the bscriber:

Provided that if a subscriber by intimation in writing to the Board xpresses her desire to exclude her husband from the family, the husband all henceforth be deemed to be no longer a member of the subscriber's amily, unless the subscriber subsequently cancels formally in writing her timation excluding him:

Provided further that in either case, if the child of a subscriber has en adopted by another person and if, under personal law of the adopter, doption is legally recognised as conferring the status of a natural child, uch a child shall be considered as excluded from the family of the bscriber;

(*e*) "Fund" means the Provident Fund in force in ;

(*f*) "Subscriber" means an employee who is required under these rules o subscribe to the Fund.

2 *Constitution and Management of the Fund.*— (1) The Fund shall be dministered by a Board of Trustees formed with an equal number of epresentatives of the employer and the subscribers. The total strength of he Board shall not exceed ten.

(2) The subscribers shall elect their representatives to the Board every third year from among themselves at a general meeting held specially for the purpose and an employer shall nominate his representatives as soon as possible thereafter.

(3) The term of office of each Board shall be three years from the date of its constitution:

Provided that—

(*a*) a representative of the subscribers shall cease to be a member of the Board on ceasing to be a subscriber; and

(*b*) a member of a Board may resign his office by a notice in writing to the Secretary of the Board.

(4) If any casual vacancy arises before the expiry of the term of office of the Board, the vacancy shall be filled by nomination by the employer or by election by the subscribers in accordance with the procedure prescribed in sub-rule (2) according as the member who vacated office was a representative of the employer or of the employees.

(5) The Board shall elect its own President from amongst the members but the first President shall be nominated by the employer. The President may exercise his individual vote on any question under discussion in the Board but shall not have the right to a casting vote.

(6) (*a*) The Secretary shall be elected or appointed by the Board provided that where the employer undertakes to pay the expenses of the work of the Board, the Secretary may be appointed by the employer.

(*b*) The Secretary shall be responsible for keeping the records of the Board including a record of the decisions of the Board and shall also be responsible for keeping the accounts of the Fund.

(7) Out of the moneys received from time to time the Board may keep in an account in a Post Office Savings Bank a sum not exceeding Rupees..... The Board may authorise its Secretary and one of its members to operate on the Bank account jointly up to a sum not exceeding Rupees.....

(8) The annual general meeting of the subscribers shall ordinarily be held in the month of.....each year.

(9) The Board shall meet at least once a quarter, and one half of the total membership shall form a quorum. The Board may frame rules prescribing the procedure for calling its meetings.

(10) The accounts of the Fund shall be audited by an auditor appointed annually by the Board for the purpose. The Auditor's report on the accounts shall be made available to the subscribers and to the employer.

3. *Subscribers.*—Every permanent employee who has completed..... months' continuous service inclusive of leave shall subscribe to the Fund in accordance with these Rules.

4. *Nomination.*—(1) The Board shall require every subscriber, or if he is a minor, his guardian, to make a nomination conferring the right to receive the amount that may stand to his credit in the Fund in the event of his death occurring before the amount standing to his credit has been paid payable:

Provided that a subscriber, or if he is a minor, his guardian, may modify a nomination once made after giving written notice of his intention of do-

(2) The nomination shall, save as hereinafter provided, be in favour of one or more members of the subscriber's family and shall be made in the appended form. If a subscriber, or his guardian, as the case may be, nominates more nominees than one, he may apportion the amount that may stand to his credit in the Fund amongst his nominees at his own discretion. If, at the time of making the nomination, the subscriber has no family, the nomination may be in favour of any other person or persons but if the subscriber subsequently acquires a family, such nomination shall forthwith stand cancelled and the subscriber shall make a fresh nomination in favour of one or more members of his family.

5. *Subscriber's account.*- (1) An account shall be opened in the name of each subscriber in which shall be credited—

(*i*) the subscriber's subscriptions;

(*ii*) the contributions made by the employer to the subscriber's account;

(*iii*) the interest on the total moneys in the subscriber's account.

(2) Each subscriber shall be given a pass book in which shall be entered, every month, the credits referred to in sub-rule (*1*) and also the advances, if any, taken, and the repayments made, by him.

6. *Conditions and rates of subscription.*—Every subscriber shall subscribe monthly to the fund 6¼ per cent. (i.e., one anna in the rupee) of his monthly emoluments rounded to the nearest anna:

Provided that the payment of the subscription shall be optional during leave and no subscription shall be recovered when the subscriber is on leave without pay.

7. *Realisation of subscriptions.*—The subscription due from each subscriber shall be realised by monthly deductions from his emoluments.

8. *Contribution by the employer.*- The employer shall make a monthly contribution to the account of each subscriber equal to the amount subscribed by the subscriber himself and such contribution shall be credited to the Fund not later than the fifteenth of the month in which the subscriber's subscription is deducted from his emoluments.

9. *Interest.*—Interest earned on the moneys of the Fund invested under rule 14 shall be credited to the accounts of the individual subscriber *pro-rata*, after deducing the expenses involved in the administration of the Fund.

10. *Advances from the Fund and their repayment* —(1) A temporary advance may be granted to a subscriber from the amount standing to his credit in the Fund at the discretion of the Board, subject to the following conditions:—

(*a*) No advance may be granted unless the Board is satisfied that the applicant's pecuniary circumstances justify it and that the amount advanced will be expended to pay expenses incurred in connection with the prolonged illness of the subscriber or any person actually dependent on him.

(*b*) An advance shall not exceed the total monthly emoluments of the subscriber for the three months preceding the application for such advance, or half the amount at the credit of the subscriber in the Fund, whichever is less.

(*c*) A second or subsequent advance shall not be granted until at least six months have elapsed since the complete repayment of a previous advance together with interest.

(2) An advance shall be recovered from the subscriber in such numl of equal monthly instalments as the Board may direct; but such numl shall not be less than 12, nor more than 24. A subscriber may at h option, make repayment in a smaller number of instalments than the numl directed.

(3) Recovery shall be made in the manner provided by rule 7 for t realisation of subscriptions and shall commence on the first occasion aft the advance is made, on which the subscriber receives not less than 75 p cent. of his normal monthly emoluments. Recovery shall not be mad except with the subscriber's consent, while he is on leave.

(4) After the principal of the advance has been fully repaid, interes shall be paid thereon at such rate as may be prescribed by the Board fro time to time.

(5) Interest shall be recovered in one or two instalments in the mon or months immediately following the repayment of the principal

(6) Recoveries of advances and the interest thereon shall be credited, they are made, to the account of the subscriber in the Fund.

11. *Payment towards Insurance Policies.*— (1) Subject to the condition hereinafter laid down—

(*a*) Payments towards a policy of life insurance may, at the option of subscriber, be substituted in whole or part for subscription d to the Fund;

(*b*) the amount of subscription with interest standing at the credit the subscriber in the Fund may be withdrawn to meet a payme towards a policy of life insurance:

Provided that no amount shall be withdrawn—

(*i*) before the details of the proposed policy have been submitted the Board, or

(*ii*) to make any payment effected more than 12 months before th withdrawal, or

(*iii*) in excess of the amount required to meet a premium actually du for payment within 6 months of the date of withdrawal

(2) The subscriber shall send to the Board within such time, as the Boa may deem sufficient, receipts or certified copies thereof to satisfy the Boar that the amount withdrawn has been so applied for the purposes specified a clause (*a*) or (*b*) of sub-rule (*1*).

(3) The Board shall not make any payment on behalf of the subscribe to the Insurance Companies nor take steps to keep a policy alive

(4) If a policy lapses or is charged or encumbered, any amount with drawn from the Fund in respect of the policy will be paid or repaid as the case may be by the subscriber to the Fund or in default the Board may direct recoveries by instalments from the emoluments of the subscriber to be credited to the subscriber's account in the Fund.

12. *Circumstances in which accumulations are payable.*— (1) If a subscriber dies or for any other reason ceases to be a subscriber, the amount

standing to his credit in the Fund including interest up to that date shall become payable to him or his nominee subject to any deductions authorised under rule 13.

(2) No claim shall be entertainable against the Fund if made more than three years after the date on which the amount due becomes payable

(3) Any amount due from the Fund shall cease to bear interest after three months from the date on which the amount becomes payable.

(4) Payments under sub-rule (*1*) to the employee or his nominees in the event of his death, shall be made within three months of the date on which they fall due. In the case of the death of an employee who has no subsisting nominations, it shall be competent for the Board to pay the amount due to the natural heir or heirs of the deceased employee provided the Board is satisfied as to the heirship of the claimant or claimants

13 *Deductions.*—(1) Except as provided in sub-rule (2) no deductions shall be made from the amount standing to the credit of a subscriber when final payment is made to him or his nominees under rule 12.

(2) (*a*) If any subscriber resigns or leaves his employment at his own request, otherwise than by reason of superannuation on medical grounds, the Board may, by a majority of two-third members, direct that deductions according to scales specified below shall be made from the amount paid into the subscriber's account by the employer under rule 8 (excluding interest accrued to the employer's contribution):—

(*i*) Subscribers of less than 3 years standing—100 per cent

(*ii*) Subscribers of 3 but less than 6 years standing 50 per cent.

(*iii*) Subscribers of 6 but less than 9 years standing 25 per cent

(*iv*) Subscribers of 9 or more years standing—Nil.

(*b*) If any subscriber is dismissed for misconduct the Board shall, at the quest of the employer, direct that a deduction equal to the contribution ade by the employer into the subscriber's account under rule 8 (including terest accrued thereon) shall be made.

Explanation.—The term "misconduct" shall be interpreted with ference to standing orders existing in the undertaking.

(3) Deductions made under sub-rule (2) shall be credited to the Fund's serve Account.

14 *Investment.* The moneys of the Fund not immediately required for e purposes of the Fund and held in a Post Office Saving Bank account all be invested by the Board in any securities for the time being authorised der the Indian Income-tax Act, 1922, and the Indian Trusts Act, 1882, d the rules made thereunder, in respect of the investment of moneys of Provident Fund recognised under the Indian Income-tax Act, 1922. ch investment shall be made in the name of the Board and may, when e conditions of investment permit, be made payable or transferable to the der of any two members duly authorised by the Board in this behalf

15 *Reference of disputed cases to a referee.*—The decision of the Board hall be final and binding upon the subscribers and the employer in all matters relating to the Fund and in the event of the Board being equally vided in its opinion on any dispute, the dispute shall be submitted for decision to a referee agreed upon by the Board

Form of Nomination.

I hereby direct that the amount at my credit in the Provident Fund a the time of my death shall be distributed among the persons mentione below in the manner shown against their names:—

Name and address of the nominee or nominees.	Relationship of each nominee with the subscriber.	Age of each nominee.	Amount of share of accumulation
1	2	3	4

Note. Column (4) shall be filled in so as to cover the whole amount at credit

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The

Calcutta Gazette

Extraordinary

Published by Authority

FRIDAY, SEPTEMBER 24, 1948

RT I—Orders and Notifications by the Governor of t Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

ORDER.

o. 925Pr. -24th September 1948. Whereas the aily "Nawa-I-Waqt", an Urdu newspaper, ted, printed and published by Hamid Nizami n Amrit Electric Press, Mall Road, Lahore, tained in its issues, dated the 30th July 1948 4th, 6th and 7th August 1948, matters which, the opinion of the Provincial Government, are ely to endanger communal harmony and the

I hereby direct th
the time of my de
below in the manner

Name and address of the nominee or nominees.	
1	

Note. Column (4) shal

safety and stability of the Province of W
Bengal;

Now, therefore, in exercise of the power co
ferred by clause (*d*) of sub-section (1) of section
of the West Bengal Security Act, 1948 (W
Bengal Act III of 1948), the Governor is pleas
to prohibit the publication, sale or distribution
the said issues of the newspaper, of any extra
therefrom, or of any translation thereof, includi
the publication, sale or distribution of any subs
quent issue thereof, in West Bengal

By order of the Governor,
R. GUPTA,
Secy. to the Govt. of West Beng

**Printed and published by the Superintendent, Govt. Ptg., West B
at West Bengal Govt. Press, Alipore, on the 24th September**

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Extraordinary

Published by Authority

TUESDAY, SEPTEMBER 28, 1948

ASSEM... RE... ON:- 2... 1948
File No.....
Diary No...

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1577L.—27th September, 1948.—The Governor having been pleased to order, under rule 47 of the West Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

THE BENGAL NURSES (WEST BENGAL AMENDMENT) BILL, 1948.

A

BILL

to amend the Bengal Nurses Act, 1934

WHEREAS it is expedient to amend the Bengal Nurses Act, 1934, for the purposes and in the manner hereinafter appearing; Ben. Act X of 1934.

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bengal Nurses (West Bengal Amendment) Act, 1948.

(*2*) It shall come into force at once:

Provided as follows:—

(*a*) that the term of office of the members constituting the Council at the commencement of this Act, shall continue, as if this Act had not been passed, until a date to be appointed in this behalf by the Provincial Government by notification in the *Official Gazette;*

(*b*) that the term of office of members appointed after the commencement of this Act to fill casual vacancies in that Council shall also continue until the said date.

Amendment of section 4 of Bengal Act X of 1934.

In section 4 of the Bengal Nurses Act, 1934,—

(*a*) for clause (*a*), the following clause shall be substituted, namely:—,

"(*a*) The Director of Health Services, West Bengal ..... who will be President (*ex-officio*)";

(*b*) clause (*c*) shall be omitted; and

(*c*) in clause (*n*), after the words "to represent institutions", the words "in West Bengal" shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to make certain changes in the constitution of the Nursing Council necessitated partly by the recent partition of Bengal, restricting its jurisdiction only to West Bengal and partly by certain changes in the designation of the *ex-officio* personnel.

2. Power is also proposed to be taken to determine the term of office of the existing Council.

B. C. ROY,
Member-in-charge.

CALCUTTA;
The 27th September, 1948.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 28th September 1948.

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TUESDAY, SEPTEMBER 28, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

No. 19509D.C.S.—27th September 1948.—In exercise of the powers conferred by clause (*b*) of paragraph 30 of the West Bengal Cotton Cloth and Yarn Control Order, 1948, the Governor is pleased to exempt the following persons from the operation of the provisions of paragraph 5 (in so far as they relate to the amount of license fees payable) and provisions of sub-paragraph (2) of paragraph 7 of the said order:—

(1) Superintendent, Gun and Shell Factory, Cossipore.

(2) Deputy General Manager (Food), Beng
Nagpur Railway, Kidderpore

(3) Deputy General Manager (C S), E
Indian Railway.

By order of the Governor,
R. S. KRISHNASWAMY
Secy. to the Govt. of West Beng

Printed and published by the Superintendent Govt. Ptg., West
West Bengal Govt. Press, Alipore, on the 28th September 1

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

No. 1510A.R.—29th September 1948.—In pursuance of sub-rule (5) of rule 9A of the West Bengal Legislative Assembly Electoral (Election Expenses and Election Petitions) Rules, 1947, the name of the person shown in the schedule below who having been nominated as a candidate for bye-election to the West Bengal Legislative Assembly from the Bankura East (Rural) General constituency, *viz.* Sri Kamal Krishna Roy, resigned, and having acted as an election agent of

himself has, in accordance with the decision given by the Governor under sub-rule (*4*) of the said rule, failed to lodge the return of election expenses within the time and in the manner required and has thereby incurred the disqualification for being chosen as, and for being, a member of the West Bengal Legislative Assembly under clause (*f*) of sub-section (*1*) of section 69 of the Government of India Act, 1935, and also the disqualification for voting at any election under paragraph 5 of Part IV of the Government of India (Provincial Elections) (Corrupt Practices and Election Petitions) Order, 1936, is hereby published:-

The Schedule.

Sri Jagadish Chandra Palit.

By order of the Governor,

M. M. BASU,
Dy. Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Govt. Ptg., West B
at West Bengal Govt. Press, Alipore, on the 29th September

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT
OCT 1948
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FRIDAY, OCTOBER 1, 1948

PART I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

FINANCE DEPARTMENT.

Taxation.

NOTIFICATIONS.

[1616] T.— 30th September 1948.—In exercise of the powers conferred by section 5 of the Opium Act, 1878 (I of 1878), read with rule 9 of the rules published under notification No. 562-T., dated the 2nd March 1918, as subsequently amended, the Governor is pleased to make the following amendment, with effect from the 1st October 1948, in the rates prescribed in notification No. 358-T., dated the 20th March 1948, for the supply of excise opium to the retail vendors thereof from Government treasury, namely:—

Amendment.

In the figures "350" in the entries in column 2 of the table in the said notification *substitute*

No. 1617F.T.—30th September 19[illegible]. In exercise of the powers conferred by sec[illegible] Opium Act, 1878 (1 of 1878), the [illegible] pleased to make the following amen[illegible] effect from the 1st October 1948, in [illegible] lished under notification No. 5628 [illegible] 2nd March 1918, as subsequent[illegible] namely :—

Amendment.

For rule 19A of the said rules [illegible] following :—

"19A. Excise opium shall be [illegible] by [illegible] vendors thereof not in excess of or [illegible] of Rs. 450 per seer throughout the [illegible] West Bengal."

By order of the Governor
B. DAS GUPTA
Secy to the Govt of West Beng

Printed and published by the Superintendent, Govt Ptg, West B
West Bengal Govt. Press, Alipore, on the 1st October 1948

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT
1948

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FRIDAY, OCTOBER 1, 1948

RT I—**Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.**

GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT.
Press.
ORDER.

961 Pr. - 1st October 1948. —Whereas the ...bant', a weekly newspaper in Bengali, ...d by Gaur Pal, printed by Bisweswar ...charyya at the Arthik Jagat Press, 122, ...bazar Street, Calcutta, and published by him ... 111 Harrison Road, Calcutta, contained in ...ue dated the 26th August 1948, matter which, ...e opinion of the Provincial Government, is ... to endanger the safety and stability of the ...ace of West Bengal;

Now, therefore, in exercise of [illegible] conferred by clause (*d*) of sub-[illegible] section 8 of the West Bengal Secur[illegible] (Act III of 1948), the Governor [illegible] prohibit the publication, sale or distri[illegible] said issue of the newspaper, of any [illegible] from, or of any translation thereof, [illegible] publication, sale or distribution of an[illegible] issue thereof, in West Bengal.

By order of the Governor,

R. [illegible] PAL,

Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Govt. Ptg., West B
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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

FINANCE DEPARTMENT.

Taxation.

NOTIFICATION.

No. 1625F.T.—1st October 1948.—In exercise of the power conferred by sub-section (2) of section 3 of the Bengal Excise Act, 1909 (Bengal Act V of 1909), the Governor is pleased to make the following amendment in the orders published under notification No. 596S.R., dated the 30th March 1915, as subsequently amended, namely:—

Amendment.

For order 28A of the said orders, *substitute* the following:—

"28A. Excise duty shall be imposed on tari drawn under a license granted under sub-section (*1*) of section 14 of the said Act in the areas notified under that sub-section by the levy of an annual tax on

each date or palmyra tree from which th
drawing of tari is permitted, a specifie
below :—

Date.	Rate of annua tax per tree palmyra	
	Rs.	Rs.
(*i*) when license is issued to the tree-owner for domestic consumption ...	8	10
(*ii*) When license is issued to a person, other than the tree-owner for domestic consumption ...	6	7

By order of the Governo
B. DAS GUPTA,
Secy. to the Govt. of West Benga

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MONDAY, OCTOBER 4, 1948

PART I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

CALCUTTA, the 4th October 1948.—The following notification by the Secretary to the Governor of West Bengal is hereby published for general information:

Notification No. 5950S., dated the 3rd October 1948.—In His Majesty's name, His Excellency the Governor has assented to the West Bengal Security (Amendment) Bill, 1948.

S. K. MUKHARJI,
Secretary to the Governor.

By order of the Governor,

M. M. BASU,
Dy. Secy. to the Govt. of West Bengal.

HOME DEPARTMENT.

Press.

ORDER.

No. 964Pr.—4th October 1948.—Whereas in the opinion of the Governor, the [illegible] Bengali entitled "Bekasur Chhatra [illegible] chalamar Pratibade 9 September [illegible] Kurihajar Port Sramiker Dharmagh[illegible] Port workers' strike on Thursday [illegible] September, to protest against [illegible] retrenchment and firing) beginning [illegible] words "Kalikatar Sramik Karm[illegible] ending with "Lal Jhanda Zindabad" [illegible] to be issued by the Communist Par[illegible] Committee, contains prejudicial report[illegible] nature described in sub-section (1) [illegible] read with sub-clause (*iv*) of clause [illegible] clause (*d*) of sub-section (7) of sect[illegible] West Bengal Security Act, 1948 (Act [illegible] 1948);

Now, therefore, in exercise of the powe[illegible] ferred by clauses (*d*) and (*e*) of sub-section [illegible] section 8 of the said Act, the Governor [illegible] prohibits the further publication, sale or distribution of the said leaflet, of any extract therefrom, or of any translation thereof and directs to be forfeited to His Majesty all copies wherever found, of the said leaflet and all other documents containing copies, reprints and translations or extracts from the said leaflet.

By order of the Governor,

P. C. ACHARJI,

Dy. Secy. to the Govt. of West Beng[illegible]

Printed and published by the Superintendent, Govt. Pr. West Bengal,
West Bengal Govt. Press, Alipore, on the 4th October 194[illegible]

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MONDAY, OCTOBER 4 1948

WEST BENGAL ASSEMBLY DEPARTMENT
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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION

No. 1610L.—4th October, 1948. The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor is hereby published for general information:—

West Bengal Act XIX of 1948

THE WEST BENGAL SECURITY (AMENDMENT) ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 4th October, 1948.]

An Act to amend the West Bengal Security Act, 1948

WHEREAS it is expedient and necessary to amend the West Bengal Security Act, 1948, for the purpose of removing certain doubts which have arisen as to the interpretation of certain sections thereof and for certain other purposes and in the manner hereinafter appearing, West Ben. Act III of 1948.

It is hereby enacted as follows

Short title and commencement.

1. (*1*) This Act may be called the West Bengal Security (Amendment) Act, 1948.

(*2*) It shall come into force on the date on which the West Bengal Security (Amendment) Ordinance, 1948, ceases to operate but the provisions of sections 6, 7 and 8 shall be deemed to have taken effect on and from the date of commencement of the West Bengal Security Act, 1948 (hereinafter referred to as the said Act) as if on that date this Act had been in force. West Ben. Ord VIII of 1948.

Amendment of section 2 of West Bengal Act III of 1948.

2. In section 2 of the said Act,—

(*1*) for clause (*1*), the following clause shall be substituted, namely:—

"(*1*) 'essential commodity' means food, water, fuel, light or power and includes such other thing as may be declared by the Provincial Government by notification to be essential for the life of the community;";

(*2*) after clause (*5*), the following clauses shall be inserted, namely:—

"(*5a*) 'protected place' means a place declared under section 5A to be a protected place;

(*5b*) 'protected area' means an area declared under section 5A to be a protected area;";

The West Bengal Security (Amendment) Act, 1948.

(Section 3.)

(*3*) to clause (*6*), the following words shall be added, namely:—

"and any person engaged in any employment or class of employment which the Provincial Government may, from time to time, declare to be employment or class of employment essential to the life of the community;";

(*4*) in clause (*7*),—

(*a*) for sub-clause (*c*), the following sub-clause shall be substituted, namely:—

"(*c*) to impede, delay or restrict—

(*i*) any work, or

(*ii*) any means of transport or locomotion,

necessary for the production, supply or distribution of any essential commodity except in furtherance of an industrial dispute as defined in the Industrial Disputes Act, 1947;"; and XIV of 1947.

(*b*) the explanation shall be renumbered as paragraph (*i*) thereof and after the said paragraph, as so renumbered, the following paragraph shall be added, namely:—

"(*ii*) An illegal strike or an illegal lock out, as defined in section 24 of the Industrial Disputes Act, 1947, shall not be deemed to be an industrial dispute for the purposes of sub-clause (*c*).".

Insertion of new Chapter IA.

3. After Chapter I of the said Act, the following Chapter shall be inserted, namely:—

"CHAPTER IA.

Access to certain places and areas.

Protected places.

5A. (*1*) If as respects any place or class of places the Provincial Government considers it necessary or expedient that special precautions should be taken to prevent the entry of unauthorised persons, the Provincial Government may by order declare that place, or, as the case may be, every place of that class to be a protected place; and thereupon, for so long as the order is in force, such place or every place of such class, as the case may be, shall be a protected place for the purposes of this Act.

(*2*) No person shall, without the permission of the Provincial Government, enter, or be on or in, or pass over, or loiter in the vicinity of, any protected place.

(*3*) Where in pursuance of sub-section (*2*) any person is granted permission to enter, or to be on or in, or to pass over, a protected place, that person shall, while acting under such permission, comply with such orders for regulating his conduct as may be given by the Provincial Government.

(*4*) Any police officer, or any other person authorised in this behalf by the Provincial Government, may search any person entering, or seeking to enter, or being on or in, or leaving, a protected place, and any vehicle, vessel, animal or article brought in by such person and may, for the purpose of the search, detain such person, vehicle, vessel, animal and article:

Provided that no woman shall be searched in pursuance of this sub-section except by a woman.

(*5*) If any person is in a protected place in contravention of this section, then without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any police officer or by any other person authorised in this behalf by the Provincial Government.

The West Bengal Security (Amendment) Act, 1948.

(Section 3)

Protected areas.

5B. (*1*) If the Provincial Government considers it necessary or expedient to regulate the entry of persons into any area, the Provincial Government may, without prejudice to any other provision of this Act, by order declare the area to be a protected area; and thereupon, for so long as the order is in force, such area shall be a protected area for the purposes of this Act.

(*2*) On and after such day as may be specified in, and subject to any exemptions for which provision may be made by, an order made under sub-section (*1*), no person who was not at the beginning of the said day resident in the area declared to be a protected area by the said order shall be therein except in accordance with the terms of a permit in writing granted to him by an authority or person specified in the said order.

(*3*) Any police officer, or any other person authorised in this behalf by the Provincial Government, may search any person entering or seeking to enter, or being on or in, or leaving, a protected area, and any vehicle, vessel, animal or article brought in by such person, and may, for the purpose of the search, detain such person, vehicle, vessel, animal and article:

Provided that no woman shall be searched in pursuance of this sub-section except by a woman

(*4*) If any person is in a protected area in contravention of the provisions of this section, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by or under the direction of any police officer on duty in the protected area.

(*5*) If any person is in a protected area in contravention of any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Forcing or evading a guard.

5C. Any person who effects or attempts to effect entry into a protected place or protected area—

(*a*) by using, or threatening to use, criminal force to any person posted for the purpose of protecting, or preventing or controlling access to, such place or area, or

(*b*) after taking precautions to conceal his entry or attempted entry from any such person,

shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

Orders for certain places and areas.

5D. (*1*) Without prejudice to any other provision of this Act, the Provincial Government, as respects—

(*a*) any place or area declared by it to be a protected place or protected area, or

(*b*) any other place or area in relation to which it appears to it to be necessary to take special precautions for preventing or suppressing subversive acts or for maintaining supplies and services essential to the life of the community,

may make orders for controlling or regulating the admission of persons to, and the conduct of persons in and in the vicinity of, such place or area.

(*2*) Without prejudice to the generality of the foregoing provisions, orders made under sub-section (*1*) in relation to any place or area may make provision—

(*a*) for restricting the admission of persons to such place or area and for removing therefrom any person who is therein in contravention of the orders or who has been convicted of any contravention of the provisions of this Act;

(*b*) for requiring the presence of any person or class of persons in such place or area to be notified to a prescribed authority and for requiring any person who has been convicted of any such offence as is mentioned in clause (*a*) of this sub-section to report his movements while in such place or area [illegible] any other condition imposed upon [illegible] authority;

The West Bengal Security (Amendment) Act, 1948.

(Sections 4—6.)

(*c*) for requiring any person or class of persons in such place or area to carry such documentary evidence of identity, as may be prescribed; and

(*d*) for prohibiting any person or class of persons from being in possession or control of any prescribed article.

(*3*) An order made under this section in respect of a protected place or protected area may exempt such place or area from all or any of the provisions of this Act which are expressed to apply to or in relation to a protected place or protected area, as the case may be, or may direct that all or any of the said provisions shall apply, subject to such modifications as may be specified in the order.

(*4*) An order made under this section in respect of a place or area which is not a protected place or protected area may direct that all or any of the provisions of this Act which are expressed to apply to or in relation to a protected place or protected area, as the case may be, shall apply to or in relation to the place or area in respect of which the order is made either without modification or subject to such modification as may be specified in the order.

(*5*) If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both."

Amendment of section 15.

4. In sub-section (*1*) of section 15 of the said Act, after the words "communal peace" the words "or to endanger the safety or stability of the Province" shall be added.

Insertion of new section 15A.

5. After section 15 of the said Act, the following section shall be inserted, namely:—

"15A (*1*) If, in the opinion of the Provincial Government, it is necessary or expedient so to do for preventing or suppressing subversive acts or for maintaining supplies and services essential to the life of the community, it may, by general or special order, prohibit or restrict the movement of any commodity, article or thing (including any vessel, vehicle, aircraft or animal) either generally or between any particular places or on any particular route.

Control of movements of commodities, articles or things.

(*2*) If any person contravenes any order made under sub-section (*1*), he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both and the Court trying the offence shall order that the commodity, article or thing (including any vessel, vehicle, aircraft or animal) in respect of which the offence has been committed shall be forfeited to His Majesty.".

Amendment of section 16.

6. In section 16 of the said Act,—

(*1*) in sub-section (*1*), the words "on reasonable grounds" shall be omitted;

(*2*) in clause (*b*) of sub-section (*5*), for the words "punishable with imprisonment for a term which may extend to one year, or with fine, or with both" the words, figure and brackets "deemed to have contravened the order within the meaning of sub-section (*6*)" shall be substituted; and

(*3*) in sub-section (*6*), the words [illegible] brackets "other[illegible]

The West Bengal Security (Amendment) Act, 1948

(Sections 7 - 10)

Substitution of new section for section 17.

7. For section 17 of the said Act the following section shall be substituted, namely :-

"17. Save as hereinafter in this section otherwise provided, an order made under sub-section (*1*) of section 16 shall be in force for such period not exceeding nine months, as may be specified in the order or for the period subsequent to the date of issue of such order during which this Act continues in operation, whichever is less, unless earlier cancelled by the authority making the order:

Duration of orders made under section 16(*1*).

Provided that—

(*a*) the Provincial Government may, if and so often as it thinks fit,

(*i*) in the case of an order under clause (*a*) of the said sub-section, place before a Judge of the High Court in Calcutta the grounds on which the order is made, the representations, if any, made under section 18 by the person affected thereby, and such further materials as the Provincial Government may think fit, subject to the following condition, that is to say,

the person affected by the order shall not be entitled to be defended or represented by any lawyer or other person before the Judge, and, in accordance with the decision of the Judge thereon, the Provincial Government shall issue an order for the release of the person or for an extension of the period of his detention by such period or periods as may be determined by the Judge, and

(*ii*) in any other case, issue, after considering all the circumstances of the case, a fresh order to the same effect and subject to the same limitations as to duration as in the first instance;

(*b*) notwithstanding anything hereinbefore contained, it shall be lawful for the Provincial Government to release at any time, if it so thinks fit, any person in respect of whom an order under sub clause (*i*) of clause (*a*) has been made.".

Amendment of section 18.

8. In section 18 of the said Act, for the words "fifteen days" the words "thirty days" shall be substituted.

Insertion of new section 18A.

9. After section 18 of the said Act, the following section shall be inserted, namely :—

"18A. Whoever knowing or having reason to believe that an order directing any person to be detained has been made under clause (*a*) of sub-section (*1*) of section 16, harbours or conceals such person shall be punished with imprisonment for a term which may extend to two years and shall also be liable to a fine which may extend to one thousand rupees

Punishment for harbouring or concealing persons ordered to be detained.

Explanation.—In this section, the word 'harbour' includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as hereinbefore enumerated or not, to evade apprehension.".

Amendment of section 26.

10. In sub-section (*1*) of section 26 of the said Act, for the words "prescribed by" the words "provided in" shall be substituted.

The West Bengal Security (Amendment) Act, 1948.

(Sections 11—14.)

11. In section 28 of the said Act,—

(*1*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) Any police officer, authorised in this behalf by general or special order of a Deputy Commissioner of Police in Calcutta and the Superintendent of Police elsewhere, may enter and search any place, vessel, vehicle, aircraft or animal and, for that purpose, stop any vessel, vehicle, aircraft or animal and may seize any commodity, article or thing (including any vessel, vehicle, aircraft or animal) which, he has reason to believe, has been, is being or is about to be, used in contravening any order made under sub-section (*1*) of section 15A or for doing any other subversive act.

Explanation.—In this sub-section 'Calcutta' has the same meaning as in section 13;"; and

(*2*) for sub-section (*2*), the following sub-section shall be substituted, namely:

"(*2*) Anything seized under sub-section (*1*) shall be conveyed, and any commodity, article or thing (including any vessel, vehicle, aircraft or animal) seized under sub-section (*1A*) shall be reported, without delay before a Magistrate who may give such directions as to the temporary custody thereof as he may think fit, so, however, that where no prosecution in respect thereof is instituted within a period in his opinion reasonable, the Magistrate may, subject to the provisions of any other law for the time being in force, give such orders as to the final disposal thereof as he deems expedient.".

Amendment of section 30.

12. In section 30 of the said Act,—

(*1*) in the proviso to sub-section (*2*), for the words "fifteen days" the words "thirty days" shall be substituted, and

(*2*) in sub-section (*3*), after the words "in addition to making such order as may appear" the words "to the Provincial Government" shall be inserted.

Validity of orders made under sub-section (*1*) of section 16.

13. For the avoidance of doubt it is hereby declared that no order heretofore made under sub-section (*1*) of section 16 of the said Act shall be deemed to be invalid or shall be called in question on the ground that at the time of making the order the authority making it had no reasonable grounds.

Continuance of action taken under West Bengal Ordinance VIII of 1948.

14. Any order made or any penalty incurred or anything done or any action taken or any proceedings commenced in exercise of any power conferred by or under the provisions of the said Act as amended by the West Bengal Security (Amendment) Ordinance, 1948, shall, on the said Ordinance ceasing to operate, be deemed to have been made, incurred, done, taken or commenced in exercise of the powers conferred by or under the said Act as amended by this Act, as if this Act had been in force on the date on which such order was made, penalty was incurred, thing was done, action was taken or proceedings were commenced. West Ben. Ord. VIII of 1948.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 4th October 1948.

ension No. C207

The Calcutta Gazette

Extraordinary

Published by Authority

MONDAY, OCTOBER 4, 1948

I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Special Section.

NOTIFICATION.

No. 8601H.S.—4th October 1948.—In exercise of the power conferred by sub-section (7) of section 93 of the Government of India Act, 1935, the Governor is pleased to direct that the West Bengal Public Safety (Amendment) Act, 1948 (West Bengal Act XIV of 1948), shall apply to the district of Darjeeling.

By order of the Governor,

R. GUPTA,

Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Govt. Ptg., West Bengal, at the West Bengal Govt. Press, Alipore, on the 4th October 1948.

The West Bengal Secur

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Amendment of section 28.

11. In section 28 of the

(*1*) after sub-section (*1*) inserted, namely

"(*1.1*) Any police o general or s stoner of Po tendent of I search any animal and, vehicle, aire commodity, vessel, vehic has reason t about to be, made under for doing an

Explanation.—In the same meanin

(*2*) for sub-section (*2*), substituted, nam

"(*2*) Anything sei conveyed, a thing (inclu or animal) s be reported trate who m temporary c fit, so, howe respect there his opinion subject to th the time bei the final c expedient.".

Amendment of section 30.

12. In section 30 of the said Act,—

(*1*) in the proviso to sub-section (*2*), for the words "fifteen days" the words "thirty days" shall be substituted; and

(*2*) in sub-section (*3*), after the words "in addition to making such order as may appear" the words "to the Provincial Government" shall be inserted.

Validity of orders made under sub section (*1*) of section 6.

13. For the avoidance of doubt it is hereby declared that no order heretofore made under sub-section (*1*) of section 16 of the said Act shall be deemed to be invalid or shall be called in question on the ground that at the time of making the order the authority making it had no reasonable grounds.

Continuance of action taken under West Bengal Ordinance VIII of 1948.

14. Any order made or any penalty incurred or anything done or any action taken or any proceedings commenced in exercise of any power conferred by or under the provisions of the said Act as amended by the West Bengal Security (Amendment) Ordinance, 1948, shall, on the said Ordinance ceasing to operate, be deemed to have been made, incurred, done, taken or commenced in exercise of the powers conferred by or under the said Act as amended by this Act, as if this Act had been in force on the date on which such order was made, penalty was incurred, thing was done, action was taken or proceedings were commenced.

West Ben. Ord. VIII of 1948.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 4th October 1948.

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The Calcutta Gazette

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WEDNESDAY, OCTOBER 6, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION.

1983D.C.S.—5th October 1948.- The following notifications issued by the Government of India, Ministry of Industry and Supply, are republished in the *Calcutta Gazette* for general information.—

GOVERNMENT OF INDIA.

Ministry of Industry and Supply.

NOTIFICATIONS.

New Delhi, the 10th September 1948.

101/19-Tex.1/48.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to make the following Order, namely :-

(1) This Order may be called the Cotton Textiles (Control of Movement) Order, 1948.

(2) It extends to all the Provinces of India.

(3) It shall come into force at once.

2. In this Order, unless there is anything repugnant in the subject or context-

(a) "Apparel" includes a garment or other article of personal or domestic use made wholly or principally from cloth other than knitted cloth but does not include old or used garments;

(b) "Carrier" includes a railway administration or any other person engaged in the business of transporting property from place to place by land, air, sea or inland navigation;

(c) "Hosiery" means stockings, vests, drawers, or other articles of personal use made from knitted cloth or knitted from yarn;

(d) "Cloth" and "Yarn" have the same meaning as they have in the Cotton Textiles (Control) Order, 1948;

(e) "Textile Commissioner" means the Textile Commissioner, the Additional Textile Commissioner or the Joint Textile Commissioner appointed by the Central Government and includes any officer authorised by such Textile Commissioner to exercise all or any of the powers of the Textile Commissioner under this Order.

3. No person shall transport or cause to be transported by rail, road air, sea or inland navigation any cloth, yarn or apparel except under an in accordance with—

(i) a general permit notified in the *Gazette of India* by the Textil Commissioner; or

(ii) a special transport permit issued by the Textile Commissioner

4. The Textile Commissioner may by order in writing direct an carrier to close the booking and transport of cloth, apparel, hosiery yarn or any class or description thereof by rail, road, air, sea or inlan navigation between such places and for such period as may be specified the order, and such carrier shall comply with the order.

5. The Textile Commissioner may, by notification published in th *Gazette of India*, prohibit the transport of cloth, apparel, hosiery or yar or any class or description thereof from any place within such area as specified in the notification to any place outside that area by rail, road, a sea or inland navigation except under such conditions, limitations an restrictions as may be so specified.

6. A carrier may require any person offering any package for tran port to make a statement in writing declaring its contents, and ma refuse to accept for transport any package unless such declaration of contents is made.

7. The Textile Commissioner may with a view to securing compliance with the provisions of this Order -

(a) require any person to give information in his possession wi respect to any stock of cloth, yarn, apparel or hosiery in h possession or in the possession of any other person;

(b) inspect or cause to be inspected any book or document belongi to or in the custody of any person;

(c) enter and search or authorise any person to enter and search a premises or search or authorise any person to search the lugga of any person travelling in a railway train, vessel or any publ conveyance, and seize any cloth, apparel, hosiery or yarn respect of which he has reasonable cause to suspect that a co travention of this Order has been committed.

8. The Textile Commissioner may, by notification in the *Gazette India*, prescribe the manner in which any applications for a special tran port permit under this Order shall be made.

9. Any court trying a contravention of any of the provisions of th Order, may, without prejudice to any other sentence which it may pas direct that any article or articles in respect of which it is satisfied that th Order has been contravened, shall be forfeited to the Central Governmen

10. The Cotton Textiles (Control of Movement) Order, 1946, is hereb repealed; provided that anything done or deemed to have been done und any provision of the said Order shall be deemed to have been done und the corresponding provision of this Order, and any reference in an instrument to any provision of the said Order or any notifications issue thereunder shall be deemed to be a reference to the corresponding provision of this Order, or any notification issued thereunder.

K. SEN, *Dy. Secy*

Bombay, the 10th September 1948.

GENERAL PERMIT No. 1.

No. 101/19-Tex.1/48(i).—In pursuance of sub-clause (1) of clause 3 the Cotton Textiles (Control of Movement) Order, 1948, and in supersession of the Textile Commissioner's General Permit No. 1, dated the 9th June 1948, I hereby notify for public information the following General Permit :—

1. For the purposes of this General Permit, India shall be divided into the following zones, namely :—

(1) Bombay Zone comprising the Province of Bombay.

(2) Madras Zone comprising the Provinces of Madras and Coorg and the State of Sandur.

(3) Orissa Zone comprising the Province of Orissa.

(4) West Bengal Zone comprising the Province of West Bengal.

(5) Assam Zone comprising the Province of Assam and the States of Cooch Bihar, Khasi Hills States, Manipur and Tripura.

(6) Bihar Zone comprising the Province of Bihar.

(7) The United Provinces Zone comprising the United Provinces and the States of Benares, Rampur and Tehri Garhwal.

(8) The Central Provinces Zone comprising the Central Provinces.

(9) Delhi Zone comprising the Delhi Province.

(10) East Punjab Zone comprising the Province of East Punjab.

(11) Ajmer-Merwara Zone comprising the Ajmer-Merwara Province.

(12) Saurashtra Zone comprising the States of Saurashtra and Junagadh and the Baroda State territories lying in the Kathiawar Peninsula.

(13) Matsya Zone comprising the United State of Matsya.

(14) Vindhya Pradesh Zone comprising the United State of Vindhya Pradesh.

(15) Rajasthan Zone comprising the United State of Rajasthan.

(16) Madhya Bharat Zone comprising the United State of Madhya Bharat and Panth Piploda.

(17) Patiala and East Punjab States Zone comprising the Patiala and East Punjab States Union.

(18) Baroda Zone comprising the Baroda State, but excluding the Baroda State territories lying in the Kathiawar Peninsula.

(19) Hyderabad Zone comprising the State of Hyderabad.

(20) Kashmir Zone comprising the State of Jammu and Kashmir.

(21) Mysore Zone comprising the State of Mysore.

(22) Bhopal Zone comprising the State of Bhopal.

(23) Kolhapur Zone comprising the State of Kolhapur.

(24) Travancore Zone comprising the State of Travancore.

(25) Bikaner Zone comprising the State of Bikaner.

(26) Cochin Zone comprising the State of Cochin.

(27) Jaipur Zone comprising the State of Jaipur.

(28) Jodhpur Zone comprising the State of Jodhpur.

(29) Mayurbhanj Zone comprising the State of Mayurbhanj.

(30) Cutch Zone comprising the Chief Commissioner's Province of Cutch

(31) Himachal Pradesh Zone comprising the Chief Commissioner's Province of Himachal Pradesh and the State of Bilaspur.

(32) Jaisalmer Zone comprising the State of Jaisalmer.

(33) Andaman and Nicobar Islands Zone.

(34) Sikkim Zone comprising the Sikkim State.

Explanation.—Each of the Provinces specified above shall be deemed to include the States which have been merged with it.

2. **Transport as personal luggage.**—Any person may transport or cause to be transported by rail, road, air, sea or inland navigation cloth and apparel as part of his luggage, if such cloth and apparel do not together exceed 10 lbs. in weight.

3. **Transport within a zone.**—Any person may transport or cause to be transported by road, air, sea or inland navigation or by goods train or as a railway parcel by a passenger train any cloth, yarn or apparel from any place in any zone described in paragraph 1 to any other place in the same zone:

Provided that nothing in this paragraph shall apply to such transport from Greater Bombay or from the Ahmedabad Municipal Borough.

4. **Transport under Military Credit Notes.**—Any person may transport or cause to be transported by rail a consignment of cloth or apparel if such consignment is made under a Military Credit Note and is booked for transport by rail—

(a) from any place in the Madras, Mysore, Cochin and Travancore Zones to any place in or beyond those zones;

(b) from any place in the Central Provinces Zone to any place in the Assam, West Bengal, Bihar or Orissa Zones or to any place in the United Provinces Zone lying on or to the east of the railway line connecting Jhansi, Cawnpore, Lucknow and Gorakhpur;

(c) from any place in the United Provinces Zone to any place in the Assam, West Bengal, Bihar, Delhi or the East Punjab, Patiala and the East Punjab States Zones;

(d) from any place in the Bihar or Orissa Zone to any place in the Assam or West Bengal Zone;

(e) from any place in the Jaipur, Jodhpur, Bikaner, Jaisalmer, Ajmer-Merwara, Matsya and Rajasthan Zones to any place in those zones, or in the East Punjab, Delhi, Patiala and East Punjab States, and the United Provinces Zones;

(f) from any place in the Bombay or Kolhapur Zones to any place included in or beyond those zones;

(g) from any place in the Hyderabad Zone to any place outside that zone;

(h) from any place in the Saurashtra and the Cutch Zones to any place in or beyond those zones;

(i) from any place in the Madhya Bharat or Vindhya Pradesh Zone to any place in those zones or in the East Punjab, Delhi, Patiala and East Punjab States of the United Provinces Zone

5. **Transport under free railway passes issued by the Welfare General's Branch.**—Any person may transport or cause to be transported by rail a consignment of cloth or apparel if such consignment is made on a free railway pass issued by an officer of the Welfare General's Branch competent to issue such passes in connection with the amenities, comforts and entertainments for services.

6. **Exempted articles.**—Any person may transport or cause to be transported by rail, road, air, sea or inland navigation from any place in any zone to any place in that or any other zone any article of the following description: —

(i) Belting cotton.

(ii) Cotton-covered rubber-lined delivery fire-hose

(iii) Gloves.

(iv) Tape cotton.

(v) Tarpaulin.

(vi) Tentage, i.e., completed tents.

(vii) Cotton wool or absorbent cotton.

(viii) Glazed Holland cloth used for tyre manufacture.

(ix) Canvas and apparel made from canvas

(x) Surgical dressings.

(xi) Gauze and lint in packets, no packet exceeding 10 lbs in weight and bandage cloth not exceeding 9 inches in width when these items are consigned to a registered medical practitioner, a hospital, a medical store or a pharmacy

(xii) Durries and shatrangies.

(xiii) Sanitary towels.

(xiv) Rubber sheeting.

(xv) Oil cloth.

(xvi) Leather cloth.

(xvii) Tape newar.

(xviii) Camouflage netting.

(xix) Umbrellas and umbrella cloth

(xx) Horse netting.

(xxi) Fents (rags) below one yard in length.

(xxii) Cotton string.

(xxiii) Cotton twine.

(xxiv) Sewing thread.

(xxv) Embroidery thread (finished).

(xxvi) Hard waste, i.e., the categories of yarn more particularly specified below which are knotted and entangled and unsuitable for weaving:—

(1) Grey sized long ends.

(2) Grey unsized long ends.

(3) Coloured unsized long ends.

(4) Coloured sized long ends.

(5) Coloured sized short ends.

(6) Grey unsized short ends.
(7) Grey sized short ends.
(8) Coloured unsized short ends.
(9) Dirty beam ends.
(10) Wrapping hard waste.
(11) Bleached yarn waste.
(12) Coloured yarn waste.
(13) Coloured mixed yarn waste.
(14) Winding hard waste.
(15) Winding hard waste, dirty.
(16) Reeling hard waste.
(17) Robbin out waste.
(18) Bonda piecer waste.
(19) Weaving sweeping.
(20) Oily hard waste.
(21) Pulled out and broken cops.

(xxvii) Ready-made pillows.
(xxviii) Tapestry.
(xxix) Filter cloth.
(xxx) Handkerchiefs.
(xxxi) Cotton blankets.
(xxxii) Mosquito netting.

Explanation.— The expression "Camouflage netting" means nets having meshes of about 3/4th inch square made from lines cotton cable laid, of not more than 10s, having a circumference of 3/16th inch in which all crossings of yarn in either direction are knotted.

7. This General Permit is subject to the restrictions which may be imposed from time to time by any order of the Textile Commissioner under clause 4 or any notification of the Textile Commissioner under clause 5 of the Cotton Textiles (Control of Movement) Order, 1948.

Bombay, the 10th September 1948.

No. 101/19-Tex.1/48(ii).—In pursuance of sub-clause (e) of clause 2 of the Cotton Textiles (Control of Movement) Order, 1948, I hereby authorise the principal officer appointed for the administration of the textile control by each province or State or an officer authorised by such principal officer in this respect, to exercise on my behalf the power to issue special transport permits under clause 3(ii) of the said Order in respect of the following:—

(1) Handspun yarn.
(2) Handloom cloth.
(3) Cloth produced by a producer having no spinning plant
(4) Cloth and yarn imported from outside India.
(5) Ready-made garments.

Bombay, the 10th September 1948.

No. 101/19-Tex.1/48(iii).—In pursuance of sub-clause (e) of clause 2 of the Cotton Textiles (Control of Movement) Order, 1948, and in supersession of the Textile Commissioner's notification No. 101 TA/46(i), dated the 12th October 1946, I hereby authorise each of the officers specified in column (2) of the table below to exercise on my behalf the power to issue special transport permits under clause 3 authorising the transport of cloth, yarn or apparel from any place within a zone (within the meaning of General Permit No. 1) specified in the corresponding entry in column (3): —

TABLE.

Serial No	Name and designation	Zone.
1	2	3
1	Mr M R. Kazmi, Director, Office of the Textile Commissioner, Bombay	All zones
2	Mr A S E. Iyer, Director, Office of the Textile Commissioner, Bombay	Ditto
3	Mr M R. Row, Deputy Director, Office of the Textile Commissioner, Bombay	Bombay
4	Mr N H. Rao, Assistant Director, Branch Office of the Textile Commissioner, Ahmedabad.	Ditto

Bombay, the 10th September 1948

No. 101/19-Tex.1/48(iv).—In pursuance of clause 8 of the Cotton Textiles (Control of Movement) Order, 1948, and in supersession of the notification of the Textile Commissioner No. 101 TA 16 dated the 20th April 1946, I hereby notify for public information the following form, namely :—

Combined Form of Application for Special Transport Permit under sub-clause (ii) of clause 3 of the Cotton Textiles (Control of Movement) Order, 1948, and the Special Transport Permit issued thereunder

To

The Textile Commissioner, Bombay.

With reference to clause 3 of the Cotton Textiles (Control of Movement) Order, 1948, kindly permit me to transport by rail/road air/sea inland navigation, the cloth/apparel/yarn, particulars relating to which are given below : —

1. Name and postal address of the consignor

. . . . . .

. . . . . .

2. Name and postal address of the consignee

. . . . . .

. . . . . .

3. Despatching station and Zone.

. . . . . .

. . . . . .

4. **Particulars of cloth/yarn:—**

Tex mark Nos.	Bale Nos.	Month of packing.	Description of cloth count of yarn.	Number of bales.	In the case of a manufacturer having a spinning plant or a person directly purchasing from such a manufacturer after 31st July 1948, the No. and date of the Textile Commissioner's order authorising the manufacturer to sell or the buyer to purchase the cloth/yarn.
(1)	(2)	(3)	(4)	(5)	(6)
			F H Q		
Total					

(*Note* If space is not sufficient to give the full particulars, a separate sheet containing the additional particulars, duly signed by the applicant, may be securely attached to each copy of the application).

4A. Description of apparel.....

....

5. Total number of bales (in words) ....

....

6. Destination station..... . ...

....

7. The Railway Station nearest to the destination if the same is not on the railway..... ....

8. Destination Zone..... ....

DECLARATION.

(i) All the bales specified above are in my possession.

(ii) I undertake to comply with all the instructions given above

(iii) All details given above are true to the best of my knowledge and belief.

(iv) I know that it is an offence to furnish false information

....

Signature of the Applicant.

Instructions to Applicant.

(1) This form should be submitted in triplicate on foolscap size paper weighing not less than 20 lbs. per ream.

(2) A separate application should be made for each different consignee and each different destination.

(3) In the case of movement by rail, the consignor should present the special transport permit, detailed above to the Railway authorities at the despatching station and get their endorsement certifying the R R. No and date of despatch.

(4) In the case of movement by steamer, similar endorsement indicating the name of steamer and the date of sailing should be obtained from the shipping company concerned.

(5) In the case of movement not provided in (3) and (4) above the consignor should send the special transport permit to the consignee or other person on his behalf in order to obtain an endorsement from the police officer in whose jurisdiction the destination station is situated certifying that the cloth/apparel/yarn in question has reached that place.

(6) Where only some and not all of the bales for which the special transport permit has been granted have been actually moved, the endorsement in (3), (4) or (5) above should specify the actual number of bales so moved. The remaining bales in such a case may be moved subsequently, but within the date of the validity of the permit, and a fresh endorsement will be necessary showing the number of bales so subsequently moved.

(7) After obtaining the endorsement as detailed in paragraphs (3), (4) or (5), or the final endorsement as detailed in paragraph (6) the consignor or other person on his behalf at the destination should send by registered post the permit so endorsed to Section CYC-12 of this office, within one week from the date of despatch or receipt as the case may be.

(8) In case movement has not been effected by the last date of validity of the permit the unutilized permit should be returned to the Textile Commissioner's Office by registered post within one week of the said date of validity.

(9) Instructions (3) to (8) are not applicable in respect of movement from Greater Bombay and Ahmedabad.

GOVERNMENT OF INDIA.

Ministry of Industry and Supply.

Office of the Textile Commissioner, Wattet Road, Ballard Estate, Bombay.

SPECIAL TRANSPORT PERMIT.

In exercise of the powers conferred on me under clause 3 of the Cotton Textiles (Control of Movement) Order, 1948, read with notification No.....dated the....., I hereby permit .....bales of cloth/apparel/yarn, particulars relating (in words) to which are detailed above, to be despatched from..... Zone to.....Zone by road/rail/air/sea/inland navigation.

This permit is valid only up to.....

Signature and Designation of Officer authorising transport.

*R. R. No. and Date.....

*Name of steamer and date of sailing.....

*Date of receipt of bales at.....

I certify that the particulars of despatch/receipt, given above in respect of the above permit are correct.

**Railway authority.*
**Shipping Company.*
**Police Officer.*

Seal of the Office concerned.

*Those not required may be scored off

Bombay, the 10th September 1948.

No. 101/19-Tex.1/48(v).—In exercise of the powers conferred upon me by sub-clause (e) of clause 2 of the Cotton Textiles (Control of Movement) Order, 1948, I hereby direct that the following further amendments shall be made in the Textile Commissioner's notification No. 101-TA/46(ii), dated the 20th July 1946, namely:—

In the table appended to the said notification—

(*i*) for the words "Mr. C. M. Ghorpade" the words "Mr. N. H. Rao" shall be substituted;

(*ii*) entries Nos. 8 and 11 shall be deleted and entries Nos. 9, 10 and 12 shall be renumbered as Nos. 8, 9 and 10, respectively.

Bombay, the 10th September 1948.

No. 101/19-Tex.1/48(vi).—In pursuance of sub-clause (e) of clause 2 of the Cotton Textiles (Control of Movement) Order, 1948, I hereby cancel the following notifications of the Textile Commissioner:—

(*i*) No. 107/1-TA/45(v), dated the 5th January 1946.

(*ii*) No. 101-TA/46(ii), dated the 21st December 1946.

Bombay, the 10th September 1948.

No. 101/19-Tex.1/48(vii).—In exercise of the powers conferred by clause 5 of the Cotton Textiles (Control of Movement) Order, 1948, I hereby cancel the notification of the Textile Commissioner No. 101-TA/46(ii), dated the 8th June 1946.

T. P. BARAT, *Textile Commissioner.*

By order of the Governor,

L. DIAS,

Asst. Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 6th October 1948.

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The Calcutta Gazette

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WEDNESDAY, OCTOBER 6, 1948

PART I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION.

1987D.C.S.—6th October 1948. In exercise of the power conferred by section 26 of the West Bengal Black Marketing Ordinance, 1948 (West Bengal Ordinance VI of 1948), the Governor is pleased to make the following rule, namely :—

Rule.

The Provincial Government may, by notification in the *Calcutta Gazette*, constitute for the purposes of the West Bengal Black Marketing Ordinance, 1948, one or more Special Tribunals

as may appear to it to be necessary in accordance with the provisions of section 13 of the said Ordinance to sit at such place or places as may be specified in the notification."

By order of the Governor,

R. S. KRISHNASWAMY,
Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Ptg., West Be
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ART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATIONS.

No. 1540A.R.—7th October 1948.—The following notification by the Secretary to the Governor West Bengal is hereby published for general formation :—

"Notification No. 6034S., dated the 5th October 48.—In His Majesty's name, His Excellency the vernor has assented to the Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal mendment Bill, 1948.

S. K. MUKHARJI,
Secretary to the Governor".

By order of the Governor,
M. M. BASU,
Dy. Secy. to the Govt. of West Bengal.

No. 1541A.R.—7th October 1948.—The following notification by the Secretary to the Governor West Bengal is hereby published for general formation :—

Notification No. 6036S., dated the 5th October 48.—In His Majesty's name, His Excellency the vernor has assented to the West Bengal Land velopment and Planning Bill, 1948.

S. K. MUKHARJI,
Secretary to the Governor".

By order of the Governor,
M. M. BASU,
Dy. Secy. to the Govt. of West Bengal.

No. 1542A.R.—7th October 1948.—The following notification by the Secretary to the Governor West Bengal is hereby published for general formation :—

"Notification No. 6038S., dated the 5th October 48.—In His Majesty's name, His Excellency the vernor has assented to the Calcutta Improvement (Amendment) Bill, 1948.

S. K. MUKHARJI,

No. 1543A.R.—7th October 1948.—The following notification by the Secretary to the Governor of West Bengal is hereby published for general information :—

"Notification No. 6040S., dated the 5th October 1948.—In His Majesty's name, His Excellency the Governor has assented to the 24-Parganas District Board Dissolution (Temporary Provisions) Bill, 1948.

S. K. MUKHARJI,
Secretary to the Governor".

By order of the Governor,
M. M. BASU,
Dy. Secy. to the Govt. of West Bengal.

Press.

ORDERS.

No. 976Pr.—7th October 1948.—Whereas in the opinion of the Governor, the form for enrolment of members of the Indo-Pakistan Islam League, Ferozepur Road, Lahore, beginning with the words "For The Lawful" and ending with "This Money Is For Correspondence", contains prejudicial report of the nature described in sub-section (*4*) of section 2 read with sub-clauses (*i*) and (*ii*) of clause (*a*) of sub-section (*7*) of section 2 of the West Bengal Security Act, 1948 (Act III of 1948);

Now, therefore, in exercise of the power conferred by clauses (*d*) and (*e*) of sub-section (*1*) of section 8 of the said Act, the Governor hereby prohibits the further publication, sale or distribution of the said form, of any extract therefrom or of any translation thereof, and declares to be forfeited to His Majesty all copies, wherever found, of the said form and all other documents containing copies, reprints and translations of, or extracts from the said form.

No. 977Pr.—7th October 1948.—Whereas in the opinion of the Governor, the leaflet issued by the

sub-clauses (*i*) and (*ii*) of clause (*a*) of sub-section (*7*) of section 2 of the West Bengal Security Act, 1948 (Act III of 1948);

Now, therefore, in exercise of the power conferred by clauses (*d*) and (*e*) of sub-section (*1*) of section 8 of the said Act, the Governor hereby prohibits the further publication, sale or distribution of the said leaflet, of any extract therefrom or of any translation thereof, and declares to be forfeited to His Majesty all copies, wherever found, of the said leaflet and all other documents containing copies, reprints and translations of, or extracts from the said leaflet.

No. 978Pr.—7th October 1948.—Whereas in the opinion of the Governor, the leaflet issued by the Indo-Pakistan Islam League, Ferozepur Road, Lahore, beginning with the words "Janab-I-Wala" and ending with "reply to this letter to", contains prejudicial report of the nature described in sub-section (*4*) of section 2 read with sub-clauses (*i*) and (*ii*) of clause (*a*) of sub-section (*7*) of section 2 of the West Bengal Security Act, 1948 (Act III of 1948);

Now, therefore, in exercise of the power conferred by clauses (*d*) and (*e*) of sub-section (*1*) of section 8 of the said Act, the Governor hereby prohibits the further publication, sale or distribution of the said leaflet, of any extract therefrom or of any translation thereof, and declares to be forfeited to His Majesty all copies, wherever found, of the said leaflet and all other documents containing copies, reprints and translations of, or extracts from the said leaflet.

By order of the Governor,
P. C. ACHARJI,
Dy. Secy. to the Govt. of West Bengal.

DEPARTMENT OF LAND AND LAND REVENUE.

Land Reforms.

NOTIFICATIONS.

Darjeeling.—No. 8079L.Ret.—6th October, 1948. In exercise of the power conferred by sub-section (*1*) of section 92 of the Government of India Act, 1935, the Governor is pleased to direct that the West Bengal Land Development and Planning Act, 1948 (West Bengal Act XXI of 1948), shall apply to the Darjeeling district with effect from the date on which the West Bengal Land Development and Planning Ordinance, 1948 (West Bengal Ordinance II of 1948), ceases to operate, subject to the following modifications, namely:—

(*1*) that sub-section (*3*) of section 1 of the said Act shall be omitted, and

(*2*) that in section 6 of the said Act for the words and figures "27th day of April" the words and figures "20th day of May" shall be substituted.

No. 8081L.Ref.—6th October, 1948.—In exercise of the power conferred by sub-section (*1*) of section 93 of the Government of India Act, 1935, the Governor is pleased to direct that the Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Act, 1948 [West Bengal Act XX of 1948 (hereinafter referred to as the amending Act)], shall apply to the district of Darjeeling with effect from the date on which the Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Ordinance 1948 (West Bengal Ordinance V of 1948), cease to operate, subject to the following modification namely:—

(*1*) that sub-section (*2*) of section 1 of the amending Act shall be omitted;

(*2*) that for section 2 of the amending Act the following section shall be substituted namely:—

"Amendment of section 1 of Bengal Act IX of 1940."

2. In sub-section (*3*) of section 1 of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940 (hereinafter referred to as the said Act), for the figures '1945' for which the figures '1948' have been substituted by section 2 of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Act, 1947 (Bengal Act II of 1947), the figures '1949' shall be substituted.";

(*3*) In section 4 of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940, as substituted by section 4 of the amending Act,—

(*1*) in clause (*a*),—

(*i*) for the words and figures "thirtieth day of January 1940" the words and figures "first day of April 1948" shall be substituted,

(*ii*) for the words "commencement of the Act" occurring for the first time the words "application of this Act to the district of Darjeeling" shall be substituted, and

(*iii*) for the words "commencement of the Act" occurring for the second time the words "application of this Act to the said district" shall be substituted and

(*2*) in clause (*b*),—

(*i*) for the words and figures "commencement of the Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Act, 1948" the words and figures "application of the Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Act, 1948, to the district of Darjeeling" shall be substituted and

(*ii*) for the words "commencement of the said Act" the words "application of the said Act to the said district" shall be substituted;

(*4*) for section 6 of the amending Act the following section shall be substituted namely:—

"Amendment of section 6."

6. In section 6 of the said Act, after the words 'application of this Act to the district of Darjeeling' the words, brackets and figures 'or at the date of application of the Bengal Non-Agricultural Tenancy (Temporary Provisions) West Bengal Amendment Act, 1948 shall be inserted."; and

(*5*) in section 8 of the amending Act, for the figures and words "25th day of May" the figures and words "29th day of May" shall be substituted.

By order of the Governor,
S. BANERJEE,
Secy. to the Govt. of West Bengal (ex-officio

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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 16401L.—7th October, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information :—

West Bengal Act XX of 1948

THE BENGAL NON-AGRICULTURAL TENANCY (TEMPORARY PROVISIONS) WEST BENGAL AMENDMENT ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 7th October, 1948.]

An Act further to amend the Bengal Non-agricultural Tenancy (Temporary Provisions) Act, 1940.

WHEREAS it is expedient further to amend the Bengal Non-agricultural Tenancy (Temporary Provisions) Act, 1940, for the purposes and in the manner hereinafter appearing; Ben. Act IX of 1940.

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bengal Non-agricultural Tenancy (Temporary Provisions) West Bengal Amendment Act, 1948.

(*2*) It shall come into force on the date on which the Bengal Non-agricultural Tenancy (Temporary Provisions) West Bengal Amendment Ordinance, 1948, ceases to operate. West Ben. Ord. V of 1948.

Amendment of section 1 of Bengal Act IX of 1940.

2. In sub-section (*3*) of section 1 of the Bengal Non-agricultural Tenancy (Temporary Provisions) Act, 1940 (hereinafter referred to as the said Act), for the words "eight years" the words "nine years" shall be substituted.

Substitution of new section for section 2.

3. For section 2 of the said Act, the following section shall be substituted, namely :—

Definitions

"2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) 'municipal area' means any area constituted a municipality under the provisions of the Bengal Municipal Act, 1932; and Ben. Act XV of 1932.

(*2*) 'non-agricultural tenant' means a tenant who holds under another person, and is liable to pay rent to such person for, non-agricultural land which, under the terms of any agreement, such tenant is entitled to use for any homestead or residential purpose or for the conduct thereon of any commercial or industrial enterprise or any trade or business, and includes a tenant who holds agricultural land within any municipal area, but does not include a tenant who holds non-agricultural land together with any structure thereon erected or owned by the person under whom such tenant holds or by the superior or predecessor in interest of such person.".

The Bengal Non-agricultural Tenancy (Temporary Provisions) West Bengal Amendment Act, 1948.

(Sections 4—8.)

Substitution of new section for section 4.

4. For section 4 of the said Act, the following section shall be substituted, namely:—

Setting aside of certain orders for delivery of possession.

"4. Notwithstanding anything contained in any other law for the time being in force,—

(*a*) a non-agricultural tenant other than a tenant holding agricultural land within any municipal area, or a person who but for his ejectment in execution of a decree for ejectment would have been deemed to be a non-agricultural tenant other than a tenant holding agricultural land within any municipal area for the purposes of this Act, if he has been ejected between the thirtieth day of January, 1940, and the date of the commencement of this Act in execution of a decree for ejectment to which the provisions of section 3 are applicable, may, within three months from the date of the commencement of this Act, and

(*b*) a tenant holding agricultural land within any municipal area, or a person who but for his ejectment in execution of a decree for ejectment would have been deemed to be a tenant holding agricultural land within any municipal area, if he has been ejected between the twenty-fourth day of April, 1948, and the date of the commencement of the Bengal Non-agricultural Tenancy (Temporary Provisions) West Bengal Amendment Act, 1948, in execution of a decree for ejectment to which the provisions of section 3 are applicable may, within three months from the date of the commencement of the said Act,

[apply, without payment of any fee under the Court-fees Act, 1870, to the Court which made the order for delivery of possession to have such order set aside; and such Court, if satisfied that the order was made between the dates specified in clause (*a*) or clause (*b*), as the case may be, and in any proceeding in execution of a decree for ejectment to which the provisions of section 3 are applicable, shall set aside the order and shall direct that the applicant be restored to possession of the land to which the order relates.". VII of 1870.

Amendment of section 5.

5. In clause (*1*) of section 5 of the said Act,—

(*1*) in sub-clause (*a*), after the words "served upon him" the words "or where no such notice was served, at the rate at which the judgment-debtor was paying rent when the suit for ejectment was instituted" shall be inserted; and

(*2*) in sub-clause (*b*),—

(*i*) after the word "judgment-debtor" in the first place where it occurs, the words "on whom a notice to quit was served" shall be inserted, and

(*ii*) for the words "notice to quit" the words "such notice" shall be substituted.

Amendment of section 6.

6. In section 6 of the said Act, after the words "commencement of this Act" the words, brackets and figures "or at the date of commencement of the Bengal Non-agricultural Tenancy (Temporary Provisions) West Bengal Amendment Act, 1948" shall be inserted.

Amendment of section 8.

7. In section 8 of the said Act, the following words shall be added at the end, namely:—

"or who holds under any such Government or local authority agricultural land within any municipal area.".

Continuance of action taken under West Bengal Ordinance V of 1948.

8. Anything done or any action taken in exercise of any power conferred by the said Act as amended by the Bengal Non-agricultural Tenancy (Temporary Provisions) West Bengal Amendment Ordinance, 1948, shall on the said Ordinance ceasing to be in operation be deemed to have been done or taken in exercise of the powers conferred by the said Act as amended by this Act, as if this Act had commenced on the 25th day of May, 1948. West Ben. Ord. V of 1948.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL.

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION

No. 1641L.—7th October, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information :—

West Bengal Act XXI of 1948

THE WEST BENGAL LAND DEVELOPMENT AND PLANNING ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 7th October, 1948.]

An Act to provide for the acquisition and development of land for public purposes.

WHEREAS it is expedient to provide for the acquisition and development of land for public purposes;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the West Bengal Land Development and Planning Act, 1948.

(*2*) It extends to the whole of West Bengal; but it shall not apply to the Calcutta Municipality as defined in clause (*b*) of section 2 of the Calcutta Improvement Act 1911, or to any area to which that Act has been extended under sub-section (*3*) of section 1 thereof before the commencement of this Act. Ben. Act. V of 1911

(*3*) It shall come into force on the date on which the West Bengal Land Development and Planning Ordinance, 1948, ceases to operate. West Ben. Ord. II of 1948.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) the expressions "land", "Collector" and "Company" respectively have the same meanings as in the Land Acquisition Act, 1894; I of 1894.

(*b*) "development scheme" means a scheme for the development of land for any public purpose;

(*c*) "notified area" means an area declared under sub-section (*1*) of section 4 to be a notified area;

(*d*) "public purpose" includes—

(*i*) the settlement of immigrants who have migrated into the Province of West Bengal on account of circumstances beyond their control,

(*ii*) the establishment of towns, model villages and agricultural colonies,

(*iii*) the creation of better living conditions in urban and rural areas, and

(*iv*) the improvement and development of agriculture, forestry, fisheries and industries;

(*e*) "rules" means rules made under this Act.

Appointment of the prescribed authority.

3. The Provincial Government may appoint, in accordance with the rules, an authority (hereinafter referred to as the prescribed authority) for carrying out the purposes of this Act.

Declaration of notified area.

4. (*1*) The Provincial Government may, by notification in the *Official Gazette*, declare any area specified in the notification to be a notified area if it is satisfied that any land in such area is needed or is likely to be needed for any public purpose and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the locality in such manner as he may think fit.

The West Bengal Land Development and Planning Act, 1948.

(Sections 5—8.)

(2) Thereupon it shall be lawful for any person either generally or specially authorised by such Government in this behalf and for his servants and workmen,

to enter upon and survey and take levels of any land in such area;

to dig or bore into the subsoil;

to do all other acts necessary to ascertain whether the land is suitable for such purpose;

to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;

to mark such levels, boundaries and line by placing marks and cutting trenches; and

where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that the person so authorised shall, at the time of such entry, pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue officer of the district, and such decision shall be final.

Preparation and sanctioning of development scheme.

5. (1) The Provincial Government may direct the prescribed authority, or, if it so thinks fit in any case, authorise any Company or local authority, to prepare, in accordance with the rules, a development scheme in respect of any notified area and thereupon such scheme shall be prepared accordingly and submitted, together with such particulars as may be prescribed by the rules, to the Provincial Government for its sanction.

(2) A development scheme submitted to the Provincial Government under sub-section (1) may be sanctioned by it either without any modification or subject to such modifications as it may deem fit.

Declaration for acquisition of land needed for development scheme

6. (1) When a development scheme is sanctioned under sub-section (2) of section 5 and the Provincial Government is satisfied that any land in the notified area for which such scheme has been sanctioned is needed for the purpose of executing such scheme, a declaration to the effect that such land is needed for a public purpose shall, unless already made in pursuance of section 7, be made by the Provincial Government.

(2) The declaration shall be published in the *Official Gazette*, and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

Special provision in cases of urgency.

7. In cases of urgency, if in respect of any notified area the Provincial Government is satisfied that the preparation of a development scheme is likely to be delayed, the Provincial Government may, at any time, make a declaration under section 6, in respect of such notified area or any part thereof though no development scheme has either been prepared or sanctioned under section 5.

Application of Act I of 1894 subject to special provision for compensation.

8. A declaration under section 6 shall be conclusive evidence that the land in respect of which the declaration is made is needed for a public purpose and, after making such declaration, the Provincial Government may acquire the land and thereupon the provisions of the Land Acquisition Act, 1894 (hereinafter in this section referred to as the said Act), shall, so far as may be, apply: **I of 1894.**

Provided that—

(*a*) if in any case the Provincial Government so directs, the Collector may, at any time after a declaration is made under section 6, take possession, in accordance with the rules, of any *beel, baor,*

The West Bengal Land Development and Planning Act, 1948.

(Sections 9–11)

tank or other watery area, or any other waste or arable land in respect of which the declaration is made and thereupon such land shall vest absolutely in the Crown free from all encumbrances;

Explanation.—For the purposes of this clause the decision of the Provincial Government as to whether any land is or is not waste or arable land shall be final;

(*b*) in determining the amount of compensation to be awarded for land acquired in pursuance of this Act the market value referred to in clause *first* of sub-section (*1*) of section 23 of the said Act shall be deemed to be the market value of the land on the date of publication of the notification under sub-section (*1*) of section 4 for the notified area in which the land is included subject to the following condition, that is to say,—

if such market value exceeds by any amount the market value of the land on the 31st day of December, 1946, on the assumption that the land had been at that date in the state in which it in fact was on the date of publication of the said notification, the amount of such excess shall not be taken into consideration.

Power to dispose of land without development.

9. Notwithstanding anything elsewhere contained in this Act or in any rule or order made thereunder, the Provincial Government may, if it so considers expedient, retain, let on hire, lease, sell, exchange or otherwise dispose of any land acquired in pursuance of this Act:

Provided that

(*a*) where the Provincial Government decides to lease or sell any land acquired in pursuance of this Act, the person or persons from whom the land was so acquired shall, in such manner as the Provincial Government may direct, be offered a prior right to take on lease or to purchase the land on such terms and conditions as may be determined by the Provincial Government;

(*b*) if, in any case, two or more persons claim to exercise a right offered under clause (*a*), the right shall be exercisable by such of the claimants as the Provincial Government may determine.

Execution of development scheme and disposal of land.

10. (*1*) The Provincial Government may direct the prescribed authority to execute any development scheme sanctioned under sub-section (*2*) of section 5 or cause it to be executed in accordance with the rules and upon the execution of the scheme as so directed the lands comprised therein shall be disposed of by the Collector in such manner as may be directed by the Provincial Government.

(*2*) If the Provincial Government so thinks fit, it may also empower a Company or a local authority to execute, at its own cost, any such development scheme and to dispose of the lands comprised therein on such terms and conditions including conditions relating to the manner of disposal of land as may be settled by the Provincial Government and embodied in an agreement to be entered into by the Provincial Government and the Company or local authority, as the case may be.

Withdrawal of power from Company or local authority to execute development scheme or to dispose of land.

11. If, at any time, the Provincial Government is satisfied that any of the terms or conditions contained in an agreement referred to in sub-section (*2*) of section 10 is not being complied with, it may, by order served in accordance with the rules on the Company or local authority, as the case may be, withdraw the power conferred on it to execute any development scheme or to dispose of the lands comprised therein or both and may thereafter make such arrangement in that behalf as it may deem fit and proper.

The West Bengal Land Development and Planning Act, 1948.

(Sections 12—15.)

Protection of action taken under this Act.

12. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Delegation of powers.

13. The Provincial Government may, by notification in the *Official Gazette*, direct that any or all of the powers conferred upon it by this Act shall be exercisable also by such authority subject to such conditions, if any, as may be specified in the notification.

Power to make rules.

14. (*1*) The Provincial Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the designation, constitution and manner of appointment of the prescribed authority;

(*b*) the preparation of development schemes and the particulars to be submitted with development schemes referred to in sub-section (*1*) of section 5;

(*c*) the manner of taking possession of land referred to in clause (*a*) of the proviso to section 8;

(*d*) the execution of development schemes referred to in section 10;

(*e*) the manner of service of orders referred to in section 11.

Continuance of action taken under West Bengal Ordinance II of 1948.

15. Any appointment or rules made or any notification issued or anything done or any action taken or any proceeding commenced in exercise of any power conferred by or under the West Bengal Land Development and Planning Ordinance, 1948, shall, on the said Ordinance ceasing to operate, be deemed to have been made, issued, done, taken or commenced in exercise of powers conferred by or under this Act as if this Act had commenced on the 27th day of April, 1948. West Ben. Ord. II of 1948.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL.

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION

No. 1642L.—7th October, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information :—

West Bengal Act XXII of 1948

THE CALCUTTA IMPROVEMENT (AMENDMENT) ACT, 1948.

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary* of the 7th October, 1948.]

An Act further to amend the Calcutta Improvement Act, 1911.

WHEREAS it is expedient further to amend the Calcutta Improvement Act, 1911, for the purposes and in the manner hereinafter appearing; Ben. Act V of 1911.

It is hereby enacted as follows:—

Short title, commencement and duration.

1. (*1*) This Act may be called the Calcutta Improvement (Amendment) Act, 1948.

(*2*) It shall come into force on the date on which the Calcutta Improvement (Amendment) Ordinance, 1948, ceases to operate. West Ben. Ord. IV of 1948.

(*3*) Section 2 shall remain in force only up to the 31st day of March, 1949.

Insertion of new section 4A in Bengal Act V of 1911.

2. After section 4 of the Calcutta Improvement Act, 1911 (hereinafter referred to as the said Act), the following section shall be inserted, namely:

"4A. (*1*) Notwithstanding anything contained in section 4, sub-section (*1*) of section 7, section 8, section 15, section 16 and section 17, the three other members of the Corporation referred to in clause (*c*) of section 4 who were elected or appointed as Trustees but who have ceased to be members of the Corporation on the supersession of the Corporation under section 3 of the Corporation of Calcutta (Temporary Supersession) Act, 1948, shall vacate their offices as such Trustees and the Provincial Government shall appoint three persons as Trustees in place of the three other members of the Corporation referred to in clause (*c*) of section 4 and the persons so appointed shall hold office as such Trustees from the date of their appointment till the date of expiry of the period of supersession of the Corporation under section 3 of the Corporation of Calcutta (Temporary Supersession) Act, 1948. West Ben. Act VIII of 1948.

Appointment of Trustees while the Corporation is superseded.

(*2*) If any vacancy occurs in the office of a Trustee appointed under sub-section (*1*), the vacancy shall be filled by the Provincial Government by appointment to another person within one month and the person so appointed shall hold office for the residue of the term of office of the Trustee in whose stead he is appointed.

(*3*) On the expiry of the term of office of the Trustees appointed under sub-section (*1*) or under sub-section (*2*), the vacancies shall be deemed to be casual vacancies in the seats for the three other members of the Corporation referred to in clause (*c*) of section 4 and shall be filled in accordance with the provisions of section 16."

The Calcutta Improvement (Amendment) Act, 1948.

(Sections 3—5.)

Substitution of new section for section 10.

3. For section 10 of the said Act, the following section shall be substituted, namely:—

"10. While any person is holding the office of Chairman, he shall not hold any other salaried office and shall devote his whole time and attention to his duties under this Act:

The Chairman to be a wholetime officer ordinarily.

Provided that the Provincial Government may require him to hold some other salaried office in addition to the office of Chairman or may permit him to perform any honorary duties which in the opinion of the Provincial Government will not interfere with the performance of his duties under this Act."

Amendment of section 11.

4. After sub-section (*3*) of section 11 of the said Act, the following sub-section shall be added, namely:—

"(*4*) If under section 10, the Provincial Government requires the Chairman to hold any salaried office in addition to the office of Chairman, the salary and allowances (if any) payable to the Chairman for his holding the office, other than the office of Chairman, or such portion thereof, as the Provincial Government may decide, shall, instead of being paid to the Chairman, be payable to the Board for credit to the Revenue Account of the Board."

Continuance of action taken under West Bengal Ordinance IV of 1948.

5. Any notification issued or any appointment made or anything done or any action taken in exercise of any power conferred by the Calcutta Improvement (Amendment) Ordinance, 1948, shall, on the said Ordinance ceasing to be in operation, be deemed to have been issued, made, done or taken in exercise of the powers conferred by this Act as if this Act had commenced on the 25th day of May, 1948.

West Ben. Ord. IV of 1948.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL.

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1643L.—7th October, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information:—

West Bengal Act XXIII of 1948

THE 24-PARGANAS DISTRICT BOARD DISSOLUTION (TEMPORARY PROVISIONS) ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 7th October, 1948.]

An Act to provide for the dissolution and constitution of the District Board of the 24-Parganas.

WHEREAS it is expedient to provide for the dissolution and constitution of the District Board of the 24-Parganas in the manner hereinafter appearing;

It is hereby enacted as follows:—

Short title, commencement and duration.

1. (*1*) This Act may be called the 24-Parganas District Board Dissolution (Temporary Provisions) Act, 1948.

(*2*) It shall come into force on the date on which the 24-Parganas District Board (Dissolution) Ordinance, 1948, ceases to operate. West Ben. Ord. III of 1948.

(*3*) It shall remain in force only up to the 9th day of May, 1950.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "the Act" means the Bengal Local Self-Government Act of 1885; and Ben. Act III of 1885.

(*b*) "the District Board" means the District Board of the 24-Parganas.

Dissolution of the District Board.

3. The Provincial Government may, if and so often as it so thinks fit, by an order published in the *Official Gazette* dissolve the District Board from such date as may be specified in the order:

Provided that such powers shall not be exercised when the District Board is reconstituted on the result of the election referred to in sub-section (*1*) of section 7 in accordance with the provisions of the Act.

Consequences of dissolution.

4. Notwithstanding anything contained in the Act, all the members constituting the District Board and the Chairman and the Vice-Chairmen of the District Board shall, as from the date of dissolution, vacate their offices as such members, Chairman and Vice-Chairmen.

Constitution of the District Board.

5. Notwithstanding anything contained in the Act, the Provincial Government shall, if the District Board is dissolved, by notification in the *Official Gazette*, constitute the District Board as from the date of dissolution in such manner and consisting of such number of members as it may determine in this behalf.

Term of office of members.

6. The Provincial Government shall, by notification in the *Official Gazette*, fix the term of office of members of the District Board constituted under section 5:

Provided that the term of office so fixed shall not exceed the period during which this Act remains in force.

The 24-Parganas District Board Dissolution (Temporary Provisions) Act, 1948.

(Sections 7—9.)

Reconstitution of the District Board in accordance with the provisions of the Bengal Local Self-Government Act of 1885.

7. (*1*) Before the expiry of the term of office of the members of the District Board constituted under section 5, there shall be a fresh general election of members of the District Board in conformity with the provisions of the Act and the rules made thereunder and the persons who vacated their offices under section 4 shall not be deemed disqualified for such election if they are otherwise qualified therefor.

(*2*) On the expiration of the term of office of the members of the District Board constituted under section 5, the District Board shall be reconstituted on the result of election referred to in sub-section (*1*) in accordance with the provisions of the Act.

Casual vacancies.

8. When the place of a member of the District Board constituted under section 5 becomes vacant, the Provincial Government shall, as soon as may be, appoint another person to fill the vacancy and the person so appointed shall hold office for the residue of the term of office of the member in whose stead he is appointed.

Continuance of action taken under West Bengal Ordinance III of 1948.

9. Any notification issued or anything done or any action taken in exercise of any power conferred by the 24-Parganas District Board (Dissolution) Ordinance, 1948, shall, on the said Ordinance ceasing to be in operation, be deemed to have been issued, done or taken in exercise of the powers conferred by this Act, as if this Act had commenced on the 3rd day of May, 1948.

West Ben. Ord. III of 1948.

By order of the Governor.
B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 7th October 1948.

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The Calcutta Gazette

Extraordinary

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FRIDAY, OCTOBER 8, 1948

T I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATIONS.

945A R.—8th October 1948.—The following cation by the Secretary to the Governor of Bengal is hereby published for general mation:

Notification No. 6080S., dated the 7th October —In His Majesty's name, His Excellency the rnor has assented to the Bengal Tanks Improve- (West Bengal Amendment) Bill, 1948

S. K. MUKHARJI,
Secretary to the Governor."

By order of the Governor,
M. M. BASU,
Dy Secy. to the Govt. of West Bengal.

946A.R. —8th October 1948. The following cation by the Secretary to the Governor of Bengal is hereby published for general mation:—

Notification No. 6082S., dated the 6th October In His Majesty's name, His Excellency Governor has assented to the West Bengal Raw Futures Bill, 1948.

S. K. MUKHARJI,
Secretary to the Governor."

By order of the Governor,
M. M. BASU,
Dy Secy. to the Govt. of West Bengal.

No. 1547A.R. 8th October 1948.—The follow
notification by the Secretary to the Gover
West Bengal is hereby published
information :—

"Notification No. 6084S., dated the 6th Octo
1948.—In His Majesty's name, His Excellency th
Governor has assented to the West Bengal Cemen
Control Bill, 1948.

S. K. MUKHARJI,
Secretary to the Govern

By order of the Governo
M. M. BASU
Dy. Secy. to the Govt. of West Bengal

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION.

No. 1991CD.C.S.—8th October 1948. In exe
of the power conferred by sub-section (7) of sec
92 of the Government of India Act, 193
Governor is pleased to direct that the West Beng
Cement Control Act, 1948 (West Bengal A
XXVI of 1948), shall apply to the Darjeelin
district with effect from the date on which the W
Bengal Cement Control Ordinance, 1948 (W
Bengal Ordinance IX of 1948), ceases to ope
subject to the following modifications namel

(1) that sub-section (3) of section 1 of the
Act shall be omitted; and

(2) that in section 16 of the said Act for
figure and words "6th day of August
figures and words "26th day of Au
shall be substituted

By order of the Gover
R. S. KRISHNASWAMY
Secy. to the Govt. of West Beng

Printed and published by the Superintendent, Govt. Ptg., West B
at West Bengal Govt. Press, Alipore, on the 8th October 19

Registered No. C207

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FRIDAY, OCTOBER 8, 1948

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LECISLATIVE (LECISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1644L.—8th October, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information:—

West Bengal Act XXIV of 1948

THE BENGAL TANKS IMPROVEMENT (WEST BENGAL AMENDMENT) ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 8th October, 1948.]

An Act further to amend the Bengal Tanks Improvement Act, 1939.

WHEREAS it is expedient further to amend the Bengal Tanks Improvement Act, 1939, for the purposes and in the manner hereinafter appearing; Ben. Act XV of 1939.

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Bengal Tanks Improvement (West Bengal Amendment) Act, 1948.

(*2*) It shall come into force on the date on which the Bengal Tanks Improvement (West Bengal Amendment) Ordinance, 1948, ceases to operate. West Ben. Ord. I of 1948.

Amendment of section 2 of Bengal Act XV of 1939.

2. In section 2 of the Bengal Tanks Improvement Act, 1939 (hereinafter referred to as the said Act),—

(*a*) before clause (*1*) the following clause shall be inserted, namely:—

"(*a1*) 'agricultural land' includes land used for the growing of vegetables and the like and also waste land which is capable of cultivation but does not include a fruit garden, an orchard, any temple, mosque or homestead land"; and

(*b*) after clause (*5*) the following clause shall be inserted, namely:—

"(*5a*) 'person having control over a tank' does not include a person by whom the tank is held for a limited time and whose interest in the tank is not transferable;".

Amendment of section 3.

3. In section 3 of the said Act, for the words "requiring him" the words "requiring such person to intimate to him within a period specified in the notice if such person is willing to carry out and in case such person is so willing then," shall be substituted.

The Bengal Tanks Improvement (West Bengal Amendment) Act, 1948.

(Sections 4—7.)

Amendment of section 4.

4. In section 4 of the said Act,—

(*a*) in sub-section (*1*),—

(*i*) for the words and figure "If the improvements referred to in section 3 are not carried out" the following words and figure shall be substituted, namely:—

"If the person having control over the tank does not send any intimation or sends any intimation to the Collector within the period fixed under section 3 that he is not willing to carry out the improvements referred to in that section or if such person sends any intimation to the Collector within such period that he is willing to carry out the improvements but fails to carry out the improvements", and

(*ii*) for the words "by a notice to" the words "by a notice served in the prescribed manner on" shall be substituted;

(*b*) to sub-section (*2*) the following words and figures shall be added, namely:—

"or the number entered in the record-of-rights finally published under Chapter X of the Bengal Tenancy Act, 1885, of the survey plot comprising such tank"; and VIII of 1885.

(*c*) in sub-section (*3*), for the word "issue" the word "confirmation" shall be substituted.

Amendment of section 6.

5. In sub-section (*2*) of section 6 of the said Act, after the words "give preference to" the words "the sole owner or" shall be inserted.

Insertion of new section 6A.

6. After section 6 of the said Act, the following section shall be inserted, namely:—

Order for possession of lands adjoining a derelict tank for carrying out improvements in such tank.

"6A. (*1*) If any authorised person considers it necessary for the purpose of carrying out the improvements in a derelict tank to take possession of any land adjoining such tank, he may,—

(*a*) if he is the Collector, take possession of such land by order in writing, and

(*b*) if he is not the Collector, apply in the prescribed manner to the Collector to be empowered to take possession of such land and the Collector may, if he is satisfied after considering the application that such land is required for carrying out the improvements, empower the authorised person by order in writing to take possession of such land:

Provided that the Collector shall not take possession or empower any authorised person to take possession of such land without giving in the prescribed manner the person in possession of such land reasonable opportunity of making any representation he may like to make and without considering any representation so made.

(*2*) Every order made under sub-section (*1*) shall specify the boundaries of the land to which it relates or the number entered in the record-of-rights finally published under Chapter X of the Bengal Tenancy Act, 1885, of the survey plot comprising such land and shall be in such form as may be prescribed.".

Amendment of section 7.

7. In section 7 of the said Act,—

(*1*) in sub-section (*1*),—

(*a*) for the words "If any authorised person—" the words "If any authorised person other than the Collector—" shall be substituted,

The Bengal Tanks Improvement (West Bengal Amendment) Act, 1948.

(Sections 8—10.)

(*b*) for clause (*a*) the following clause shall be substituted, namely:-

"(*a*) fails to carry out the improvements to the satisfaction of the Collector in accordance with the conditions referred to in sub-section (*3*) of section 6",

(*c*) after the words and figure "made under section 6" the words, figures, letters and brackets "as well as any order made under clause (*b*) of sub-section (*1*) of section 6A" shall be inserted,

(*d*) after the words "in respect of the tank" the words, figures, letters and brackets "and in respect of any land of which possession is taken as a result of an order made under clause (*b*) of sub-section (*1*) of section 6A" shall be inserted, and

(*e*) after the words "shall take possession of the tank" the words "and such land" shall be added; and

(*2*) in sub-section (*2*), after the word "tank" the words "and such land" shall be inserted.

Substitution of new section for section 8.

8. For section 8 of the said Act, the following section shall be substituted, namely:—

"8. Subject to the provisions of this Act, the Collector or an authorised person shall be entitled to remain in possession of a derelict tank of which possession has been taken under the provisions of this Act for such period not exceeding twenty-five years from the date on which possession of the derelict tank was taken under section 5 or section 6 as may, in the opinion of the Collector, be necessary to recover the amount referred to in sub-section (*1*) of section 17:

Authorised person to retain possession of a derelict tank for a period not exceeding twenty-five years.

Provided that the Collector, may, after considering the views of the authorised person, if any, and for reasons to be recorded in writing, vary such period from time to time subject to the maximum limit of twenty-five years".

Amendment of section 9.

9. For clause (*a*) of section 9 of the said Act, the following clause shall be substituted, namely:—

"(*a*) such person pays to the Collector so much of the costs incurred up to that time both by the authorised person in carrying out the required improvements in the tank and by the Collector in carrying out the purposes of this Act in respect of the tank as remains unrecovered after realisation by the authorised person under this Act of the fees referred to in section 17 or of any sum under any lease referred to in section 18, together with interest on the costs so remaining unrecovered at a rate not exceeding six and a quarter *per centum per annum*, and".

Insertion of new sections 9A, 9B and 9C.

10. After section 9 of the said Act, the following sections shall be inserted, namely:-

"9A. An authorised person shall be entitled to remain in possession of any land adjoining a derelict tank of which possession is taken under section 6A as long as such person remains in possession of such derelict tank under section 8.

Authorised person to retain possession of land adjoining a tank during the period of possession of such tank.

9B. (*1*) Notwithstanding anything contained in section 9A, if the person recorded as entitled to possession of any land adjoining a derelict tank in the record-of-rights referred to in section 22 or his successor in interest is not the person recorded as entitled to possession of such derelict tank in the record-of-rights referred to in the said section or his successor in interest, then the Collector may, at the request of the person so recorded as entitled to possession of such land or his successor in interest or of the authorised person at any time after the required improvements in the tank have been completed, by an order in writing, restore the

Restoration of possession of land adjoining a derelict tank and the retaking of possession of such land.

The Bengal Tanks Improvement (West Bengal Amendment) Act, 1948.

(Sections 11, 12.)

possession of such land to the person so recorded as entitled to possession of such land or to his successor in interest, although the possession of the tank by the authorised person has not terminated, and when the possession of such land is so restored all rights in the land which existed prior to the time when possession was taken of the land under section 6A shall be revived:

Provided that before the Collector takes any action under this sub-section at the request of any person other than the authorised person, the Collector shall give the authorised person a reasonable opportunity of making any representation he may like to make and the Collector shall consider any representation so made.

(*2*) The person to whom the possession of such land has been restored under sub-section (*1*) shall not use it in such manner as may cause damage to the banks of the derelict tank or may affect the use of the tank for the purposes of irrigation.

(*3*) If the person referred to in sub-section (*2*) fails, in the opinion of the Collector, to comply with the provisions of that sub-section, the Collector may,—

(*a*) again empower the authorised person by an order in writing to take possession of such land whereupon the authorised person shall forthwith take possession thereof, or

(*b*) if he is the authorised person, himself again take possession of such land by order in writing,

and the authorised person so taking possession of such land again shall retain such possession as long as he remains in possession of the tank.

(*4*) Every order made under sub-section (*3*) shall specify the boundaries of the land to which it relates or the number entered in the record-of-rights finally published under Chapter X of the Bengal Tenancy Act, 1885, of the survey plot comprising such land and shall be in such form as may be prescribed. VIII of 1885.

Restoration of possession of land adjoining a derelict tank on the restoration of possession of such tank under section 9.

9C. When the possession of a derelict tank is restored by the Collector under section 9, the Collector shall at the same time restore the possession of any land adjoining such tank of which possession was taken under section 6A and has not already been restored under sub-section (*1*) of section 9B or of which possession was retaken under sub-section (*3*) of section 9B to the person recorded as entitled to possession of such land in the record-of-rights referred to in section 22 or to his successor in interest:

Provided that where the person to whom the possession of the tank is restored under section 9 is not the person recorded as entitled to possession of such land in the said record-of-rights or his successor in interest, the possession of such land shall not be so restored until the improvements, if any, required to be carried out in the tank under clause (*b*) of the proviso to section 9 have been completed if the person to whom the possession of the tank is so restored agrees to pay the person so recorded as entitled to possession of such land the compensation which would have been payable by the authorised person under sub-section (*1*) of section 14A if such authorised person had continued to be in possession of such land.".

Amendment of section 10.

11. In section 10 of the said Act, after the words "derelict tank" the words, figures, letters and brackets "or any land of which possession is taken under section 6A or is retaken under sub-section (*3*) of section 9B" shall be inserted.

Amendment of section 11.

12. In section 11 of the said Act,—

(*a*) after the words "derelict tank", the words "or of any land adjoining a derelict tank under this Act" shall be inserted;

(*b*) after the words "said tank", the words "or land" shall be inserted; and

(*c*) in the proviso, after the words "where rent" the words "in respect of the tank" shall be inserted.

(Sections 13—15.)

Amendment of section 12.

13. Section 12 of the said Act shall be renumbered as sub-section (2) of that section and before the said section, as so renumbered, the following sub-section shall be inserted, namely:—

"(1) Where a derelict tank is, at the time of the taking of possession thereof by an authorised person, in the actual possession of the owner of the tank, the authorised person shall pay, during the period he remains in possession, to such owner at such times and in such manner as may be prescribed, such rent as the Collector, after such inquiry as he thinks fit, may determine:

Provided that where the authorised person is the owner of the tank in actual possession thereof, no such payment of the rent determined by the Collector under this sub-section shall be necessary; but the amount of such rent shall be included in and form part of the costs incurred or likely to be incurred by the authorised person in carrying out the required improvements in the tank.".

Amendment of section 14.

14. In section 14 of the said Act,—

(*a*) in sub-section (1), the words "but not less than the *salami* paid by such cultivator for the lease" shall be omitted; and

(*b*) to that sub-section, the following provisos shall be added, namely:

"Provided that the compensation payable to such cultivators shall not be less than an amount which bears to the total amount of *salami*, as determined by the Collector to have been paid for obtaining the lease, the same ratio as the unexpired period of lease bears to the total period of such lease:

Provided further that where no period of lease is expressly mentioned or agreed to between the parties concerned the total period of lease shall be taken as twelve years.".

Insertion of new section 14A.

15. After section 14 of the said Act, the following section shall be inserted, namely:—

"14A. (1) Where the owner of a derelict tank is not the owner of any land adjoining such tank of which possession is taken under section 6A, or retaken under sub-section (3) of section 9B, the authorised person shall, at such times and in such manner as may be prescribed, pay to the person in possession of such land at the time of taking or retaking possession thereof such compensation as the Collector, after such inquiry as he thinks fit, may determine. Such compensation shall not be less than the amount of the rent which the person so dispossessed is liable to pay in respect of the land and shall be deemed to be a full and complete satisfaction for all loss suffered by such person as a result of interference with his possession.

Payment of compensation to persons having rights in lands adjoining a tank of which possession is taken under this Act.

(2) Where the owner of a derelict tank is also the owner of any land adjoining such tank of which possession is taken under section 6A, or retaken under sub-section (3) of section 9B, the authorised person shall

(*a*) in the case where such land is in the actual possession of the owner thereof, pay at such times and in such manner as may be prescribed to such owner such rent as the Collector, after such inquiry as he thinks fit, may determine:

Provided that where the authorised person is the owner of such land in actual possession thereof, no such payment of the rent determined by the Collector under this clause shall be necessary; but the amount of such rent shall be included in and form part of the costs incurred or likely to be incurred by the authorised person in carrying out the required improvements in the tank; and

The Bengal Tanks Improvement (West Bengal Amendment) Act, 1948.

(Sections 16, 17.)

(*b*) in other cases, pay at such times and in such manner as may be prescribed to any person to whom such land has been leased out and who holds such land as lessee at the time such possession is taken or retaken and to every other person having at that time, on payment of any rent or charge, any right in such land, such compensation as the Collector, after such inquiry as he thinks fit, may determine, and such compensation shall not be less than the amount of the rent or charge which the person to whom the compensation is paid continues to be liable to pay to the owner or the tenant of such land and shall be deemed to be a full and complete satisfaction for all loss suffered by every such person as a result of the interference with the exercise of his right.".

Amendment of section 15.

16. Section 15 of the said Act shall be renumbered as sub-section (*1*) of that section and to the said section, as so renumbered, the following sub-section shall be added, namely:—

"(*2*) During the period any land, of which possession is taken under section 6A, or retaken under sub-section (*3*) of section 9B, remains in the possession of an authorised person, no person shall without the permission of the authorised person use or occupy such land or take fruits from trees on, or other produce from, such land.".

Substitution of new sections for sections 16 and 17.

17. For sections 16 and 17 of the said Act, the following sections shall be substituted, namely:—

'16. During the period of possession all rights to use the water of the tank for irrigation purposes shall vest in the authorised person and no person shall use the water of the tank for such purposes except with the permission of the authorised person or in so far as he may be permitted to do so by or under the provisions of this Act.

Rights to use the water of the tank.

16A. (*1*) When the possession of any tank has been taken under section 5 or section 6 the Collector shall determine in the prescribed manner the maximum area of land to the limits of which irrigation from the said tank may practicably be extended (hereinafter referred to as the maximum irrigation area) and the system and alignment by which and the priority in accordance with which such irrigation can be so extended to the land in that area, and shall publish a notice in the prescribed form and manner defining the limits of the maximum irrigation area and specifying the system, alignment and priority so determined.

Maximum irrigation area.

(*2*) Every person possessing agricultural land within the maximum irrigation area shall, subject to the provisions of sub-sections (*3*) and (*4*), be liable to pay a fee annually during the period of possession to the authorised person at the rate fixed and in the manner provided under section 17 and such liability shall not cease by reason of such person not using water for irrigation purposes from the tank to which the maximum irrigation area relates.

(*3*) Any person concerned may, within thirty days of the date of the publishing of the notice referred to in sub-section (*1*), apply in the prescribed form and manner and on payment of the prescribed fee to the Collector for—

(*a*) including any land within the maximum irrigation area,

(*b*) excluding any land from the maximum irrigation area, and

(*c*) exempting any land or part of any land from liability to pay the fees referred to in sub-section (*2*) on the ground that such land cannot practicably be irrigated from the tank to which the maximum irrigation area relates, or cannot be benefited by such irrigation or that such land is not agricultural land,

and the Collector after giving the applicant a reasonable opportunity of being heard may pass such order as to such inclusion, exclusion or exemption as he thinks fit.

The Bengal Tanks Improvement (West Bengal Amendment) Act, 1948.

(Section 17.)

(*4*) The Collector may, of his own motion at any time after the expiry of thirty days from the date of publishing of the notice referred to in sub-section (*1*), include within the maximum irrigation area any land which was not agricultural land at the time of publication of such notice but has subsequently been converted into agricultural land, or otherwise revise the limits of the maximum irrigation area or exempt any land or part of any land within such maximum irrigation area from liability to pay the fees referred to in sub-section (*2*) and the Collector shall modify the list referred to in sub-section (*1*) of section 16B accordingly :

Provided that before any order for such inclusion, revision or exemption is passed all persons concerned shall, by notice served or published in the prescribed manner, be given a reasonable opportunity of making any representation which they may like to make and the Collector shall consider such representation.

Preparation of list.

16B. (*1*) As soon as may be after the Collector has disposed of any applications made under sub-section (*3*) of section 16A, he shall prepare a list in the prescribed form and manner of the persons who are liable to pay the fee referred to in sub-section (*2*) of that section and such list shall specify the amount of agricultural land within the maximum irrigation area in respect of which each such person is to pay such fee and the amount of such fee which such person is to pay annually to the authorised person.

(*2*) The Collector shall publish the list referred to in sub-section (*1*) and every modification of such list in the manner prescribed and shall, where the authorised person is not the Collector, forward a copy of such list and every modification of such list to the authorised person who shall permit every person whose name is entered in the list or his successor in interest to use the water of the tank for the irrigation of the land of such person as long as the amount of the fee payable by such person is duly paid and not otherwise.

(*3*) If any dispute arises between persons entered in the list prepared under sub-section (*1*) as to any matter in respect of the use of water by such persons from the tank for the irrigation of their lands the authorised person or a person authorised in this behalf by the Collector shall decide the dispute and his decision, subject to the provisions of section 26, shall be final.

Payment and rate of fees.

17. (*1*) Every person whose name is included in the list referred to in sub-section (*1*) of section 16B or his successor in interest shall pay annually and in the prescribed manner and on the dates prescribed to the authorised person or to such person as may be authorised by the Collector in this behalf the fees fixed according to the provisions of this section.

(*2*) If the fees payable under sub-section (*1*) are not paid within thirty days from the due date fixed for such payment, interest on the amount of the fees so outstanding shall be payable at the rate of six and one quarter *per centum per annum* calculated from the day on which such payment became due until the date on which the amount of the fees so outstanding is paid or recovered, as the case may be.

(*3*) The Collector shall fix, in respect of any tank of which possession is taken under this Act and for which the maximum irrigation area has been determined by the Collector, the rate or rates at which fees to be paid to the authorised person under sub-section (*1*) shall be calculated and different rates may be so fixed for classes of agricultural lands of different descriptions or having different advantages or for lands for the irrigation of which any person had at the time when possession was taken of the tank under this Act the prescriptive right to use water for irrigation.

(*4*) The rate to be fixed under sub-section (*3*) shall be such that all costs incurred or likely to be incurred—

(*i*) by the authorised person in carrying out the required improvements in the tank; and

The Bengal Tanks Improvement (West Bengal Amendment) Act, 1948.

(Sections 18—21.)

(*a*) by the Collector in carrying out the purposes of this Act in respect of the tank;

may be recovered together with interest thereon at a rate, fixed by the Provincial Government, not exceeding six and one quarter *per centum per annum* and together with an amount estimated by the Collector as is likely to be necessary for maintaining the tank in proper condition during the period of possession determined by the Collector under section 8.

(*5*) The Collector may revise the rate or rates of fees fixed under this section in respect of any tank.

(*6*) Any sum due to the authorised person under this section shall be recoverable as a public demand.

Passage of water.

17A. No person shall obstruct the passage of any water taken for irrigation purposes from any tank in accordance with the system, alignment and priority for taking water as determined by the Collector under sub-section (*1*) of section 16A.".

Amendment of section 18.

18. Section 18 of the said Act shall be renumbered as sub-section (*1*) of that section and to the said section, as so renumbered, the following sub-sections shall be added, namely:—

"(*2*) During the period any land of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B remains in the possession of an authorised person, such authorised person may, subject to the provisions of this Act and the previous permission of the Collector, lease to any person for a period not extending beyond the said period of possession any part of the said land or any right to take fruits from trees on, or other produce from, such land.

(*3*) Any sum due to the authorised person under any lease granted under this section shall be recoverable as a public demand.

(*4*) All sums realised or estimated to be realised by the Collector or by the authorised person under any lease granted under this section and any other income derived from the tank including banks thereof and from adjoining lands taken possession of under section 6A and by the sale of silt or otherwise, shall be applied in payment of the costs recoverable under sub-section (*1*) of section 17.".

Amendment of section 19.

19. In section 19 of the said Act, after the words "derelict tank" the words, figures, letters and brackets "or in respect of any land of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B" shall be inserted.

Insertion of new section 19A.

20. After section 19 of the said Act, the following section shall be inserted, namely:—

Bar to acquisition of occupancy rights in lands leased out under section 18.

"19A. Notwithstanding anything contained in the Bengal Tenancy Act, 1885, no person shall acquire any occupancy right in any part of the banks of, or in any land adjoining, a tank leased out to such person under section 18 and no person who has held any part of the banks of any tank under a lease under section 18 at any time since the commencement of this Act shall be deemed to have acquired any occupancy right therein.". VIII of 1885.

Substitution of new section for section 20.

21. For section 20 of the said Act, the following section shall be substituted, namely:—

Application of the Act to tank improved as a relief measure.

"20. (*1*) When any tank has been re-excavated at the expense of the Provincial Government as a relief measure by the system commonly known as Test or Famine Relief, the Collector may, after giving an opportunity to the person having control over the tank to be heard in the matter, direct that possession of such tank should be taken over by the Collector.

(*2*) When possession of any improved tank is taken over under sub-section (*1*) such tank shall be deemed for the purposes of this Act to be a tank taken over and improved under the provisions of this Act and the provisions of this Act shall thereupon apply *mutatis mutandis* to such tank accordingly.".

The Bengal Tanks Improvement (West Bengal Amendment) Act, 1948.

(Sections 22, 23)

Substitution of new section for section 21.

22. For section 21 of the said Act, the following section shall be substituted, namely:—

"21. (*1*) When the possession of a derelict tank is terminated in accordance with the provisions of section 8, the tank shall be restored to the possession of the persons who were recorded as entitled to possession thereof in the record-of-rights referred to in section 22, or their successors in interest and any land possession of which was taken under section 6A but has not been previously restored under section 9B or section 9C or possession of which has been retaken under sub-section (*3*) of section 9B shall be restored to the possession of the persons who are recorded as entitled to possession thereof in the record-of-rights referred to in section 22 or their successors in interest.

Restoration of possession of tank.

(*2*) When possession of any tank or land is restored under sub-section (*1*) or under section 9, all rights in the tank including all rights to use the water for the purposes of irrigation which existed prior to the time when possession was first taken of the tank under section 5 or section 6 and all rights in such land which existed prior to the time when possession of the land was taken under section 6A or retaken under sub-section (*3*) of section 9B, as the case may be, excepting any rights for which compensation has been paid under section 14, shall be revived ".

Amendment of section 22.

23. In sub-section (*1*) of section 22 of the said Act,—

(*a*) after the words "under this Act", the words, figures, letters and brackets "and a record-of-rights in respect of the lands adjoining such tanks of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B" shall be inserted;

(*b*) after the words "such tank", the words "or during the period for which any such land remains in the possession of an authorised person" shall be inserted;

(*c*) after the words "in the record-of-rights", the words "in respect of such tank or such land" shall be added; and

(*d*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1a*) In the record-of-rights prepared under sub-section (*1*), there shall be shown in addition to any other details that may be prescribed, the following:—

(*a*) the names of all persons from the actual possessor upwards up to and including the owner having permanent transferable right in the tank and adjoining lands together with their addresses, nature and extent of right and interest in the tank and adjoining lands as existing immediately before possession of such tank or land is taken under the provisions of this Act;

(*b*) the revenue or rent and cesses, if any, payable by the different persons referred to in clause (*a*) in respect of the tank or land or if that be not ascertainable then the revenue or rent and cesses in respect of the estate, tenure or holding in which such tank or land is included; and

(*c*) the numbers of cadastral survey plots together with the names and addresses of possessors of such plots who may have immediately before possession of such tank is taken the prescriptive right of taking water from such tank for irrigation purposes.".

The Bengal Tanks Improvement (West Bengal Amendment) Act, 1948.

(Sections 24—28.)

Substitution of new section for section 23.

24. For section 23 of the said Act, the following section shall be substituted, namely:—

"23. (*1*) The Provincial Government may, by order published in the *Official Gazette*, direct that any tank which may have been improved under the provisions of this Act prior to the commencement of the Bengal Tanks Improvement (West Bengal Amendment) Act, 1948, shall, with effect from a date to be specified in such order, be deemed to have been improved in accordance with the provisions of this Act as amended by the last mentioned Act.

Application of the Act to certain tanks.

(*2*) When an order under sub-section (*1*) is made in respect of any tank, the Collector shall, in the prescribed manner, prepare or revise the list of maximum irrigation area, revise the order regarding period of possession and assessment of fees and take such other action as may be deemed necessary to give effect to such order.".

Substitution of new section for section 24.

25. For section 24 of the said Act, the following section shall be substituted, namely:—

"24. All costs incurred by the Collector in carrying out the purposes of this Act in respect of a tank of which possession is taken under section 6 or in respect of any land of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B shall be paid by the authorised person at such times and in such manner as may be prescribed, and on default in payment thereof the same shall be recoverable by the Collector as a public demand.".

Costs.

Amendment of section 25.

26. Section 25 of the said Act shall be renumbered as sub-section (*1*) of that section, and—

(*a*) in the said section, as so renumbered, the words, figures and brackets "or among any other persons referred to in sub-section (*2*) of section 16" shall be omitted; and

(*b*) to the said section, as so renumbered, the following sub-section shall be added, namely:—

"(*2*) During the period any land of which possession is taken under section 6A or retaken under sub-section (*3*) of section 9B remains in the possession of an authorised person, all disputes relating to the exercise of any rights in respect of such land shall be decided by the Collector in such manner as may be prescribed.".

Amendment of section 26.

27. In section 26 of the said Act,—

(*a*) after the words "any action", the words "or decision" shall be inserted, and

(*b*) after the words "other than the Collector", the words "or any person authorised by the Collector" shall be inserted.

Amendment of section 29.

28. In section 29 of the said Act,—

(*a*) after the word "tank", the words "or of any land adjoining such tank" shall be inserted; and

(*b*) after the words "period of possession", the words "of such tank or during the period for which any such land remains in the possession of an authorised person" shall be inserted.

The Bengal Tanks Improvement (West Bengal Amendment) Act, 1948.

(Sections 29—34.)

Amendment of section 30.

29. Section 30 of the said Act shall be renumbered as sub-section (*1*) of that section and after sub-section (*1*), as so renumbered, the following sub-section shall be added, namely:—

"(*2*) No suit or other proceedings shall lie against the Collector, other authorised person or any officer or worker employed by or under the Collector for anything in good faith done or intended to be done or purporting to be done under the provisions of this Act or any rule made thereunder.".

Amendment of section 33.

30. In section 33 of the said Act, after the word "tank" the words "or in the land adjoining such tank" shall be inserted.

Amendment of section 34.

31. In section 34 of the said Act, after the word and figure "section 5" the words, figures, letters and brackets "or clause (*a*) of sub-section (*1*) of section 6A, or clause (*b*) of sub-section (*3*) of section 9B" shall be inserted.

Amendment of section 35.

32. In section 35 of the said Act, for the words, figures and brackets "or sub-section (*1*) of section 16" the words, figures and letter "section 16 or section 17A" shall be substituted.

Amendment of section 36.

33. In section 36 of the said Act, after the word "tank" the words "or of any land adjoining a tank" shall be inserted.

Amendment of section 37.

34. In sub-section (*2*) of section 37 of the said Act,—

(*1*) in clause (*a*), for the words, figures and brackets "order under sub-section (*1*) of section 6" the words, figures, letters and brackets "orders under sub-section (*1*) of section 6, sub-section (*1*) of section 6A and sub-section (*3*) of section 9B" shall be substituted;

(*2*) in clause (*b*), after the word and figure "section 3" the words, figures and brackets "sub-section (*1*) of section 4" shall be inserted;

(*3*) after clause (*c*), the following clause shall be inserted, namely:—

"(*cc*) the manner of making an application under clause (*b*) of sub-section (*1*) of section 6A and of giving reasonable opportunity to the person in possession of the land to make any representation under the proviso to the said sub-section;";

(*4*) in clause (*d*), for the words, figures and brackets "and sub-section (*2*) of section 14" the words, figures, letter and brackets "sub-section (*2*) of section 14 and sub-sections (*1*) and (*2*) of section 14A" shall be substituted;

(*5*) after clause (*d*), the following clauses shall be inserted, namely:—

"(*dd*) the manner of determining the maximum irrigation area and the system, alignment and priority of irrigation in that area, and the form and the manner of publishing the notice defining the limits of the maximum irrigation area and the system, alignment and priority of irrigation in that area, under sub-section (*1*) of section 16A and the form and manner of the application and the fee payable under sub-section (*3*) of that section;

(*ddd*) the manner of service and publication of notice referred to in the proviso to sub-section (*4*) of section 16A;

(*dddd*) the form of the list and the manner of its preparation under sub-section (*1*) of section 16B and the manner of publication of the list and every modification thereof under sub-section (*2*) of that section;

The Bengal Tanks Improvement (West Bengal Amendment) Act, 1948.

(*Sections 35, 36.*)

(*ddddd*) the manner and the dates of payment of fees under sub-section (*1*) of section 17;";

(*6*) in clause (*e*), for the word "record-of-rights" the word "records-of-rights" shall be substituted;

(*7*) after clause (*e*), the following clause shall be inserted, namely: —

"(*ee*) the manner of preparation and revision of the list of maximum irrigation area referred to in sub-section (*2*) of section 23;"; and

(*8*) in clause (*f*), for the word and figures "section 25" the words, figures and brackets "sub-sections (*1*) and (*2*) of section 25" shall be substituted.

Continuance of action taken under West Bengal Ordinance I of 1948.

35. Any rules or orders made or anything done or any action taken in exercise of any power conferred by the said Act as amended by the Bengal Tanks Improvement (West Bengal Amendment) Ordinance, 1948, shall, on the said Ordinance ceasing to be in operation, be deemed to have been made, done or taken under the said Act as amended by this Act as if this Act had commenced on the 23rd day of April, 1948. West Ben. Ord. I of 1948.

Repeal of Ben. Act V of 1946.

36. The Bengal Tanks Improvement (Amendment) Act, 1946, is hereby repealed. Ben. Act V of 1946.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL.

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION

No. 1645L.—8th October, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information:—

West Bengal Act XXV of 1948

THE WEST BENGAL RAW JUTE FUTURES ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 8th October, 1948.]

An Act to provide for the prevention of dealing in raw jute futures.

WHEREAS it is expedient to provide for the prevention of dealing in raw jute futures;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the West Bengal Raw Jute Futures Act, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall come into force on the date on which the West Bengal Raw Jute Futures Ordinance, 1948, ceases to operate. West Ben. Ord. X of 1948.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "contract relating to raw jute futures" means a contract relating to the sale or purchase of a screwed bale of raw jute made on a forward basis—

(*a*) providing for the payment or receipt, as the case may be, of margin in such manner and on such dates as may be specified in the contract, or

(*b*) by or with any person not being a person who

(*i*) habitually deals in the sale or purchase of raw jute involving the actual delivery of possession thereof, or

(*ii*) possesses, or has control over, a godown and other means and equipments necessary for the storage and supply of raw jute;

(*2*) "margin" means the difference between the rate specified in a contract relating to the sale or purchase of a screwed bale of raw jute made on a forward basis and the rate prevailing on such date subsequent to the date of the contract as may be specified in the contract.

Power of Provincial Government to prohibit contracts relating to raw jute futures.

3. (*1*) The Provincial Government may, from time to time, if it so thinks fit, by notification in the *Official Gazette*, prohibit the making of contracts relating to raw jute futures and may, by like notification, withdraw such prohibition:

Provided that the withdrawal of any such prohibition shall not affect the operation of the provisions of sub-section (*2*) in respect of any contract relating to raw jute futures made prior to the date on which the prohibition is withdrawn.

(*2*) When the making of contracts relating to raw jute futures is prohibited by a notification under sub-section (*1*),—

(*a*) no person shall make any such contract or pay or receive any margin except, in the case of any such contract made prior to the date of the notification, to the extent to which the payment or receipt, as the case may be, of margin is allowable on the basis of the last closing rate in a notified market;

The West Bengal Raw Jute Futures Act, 1948.

(Sections 4—6.)

(*b*) no owner or occupier of any premises shall knowingly permit such premises to be used for the making of any such contract or for the payment or receipt of margin in contravention of the provisions of clause (*a*); and

(*c*) notwithstanding anything contained in any other law for the time being in force,—

(*i*) every such contract made, and every claim in respect of margin, in contravention of the provisions of clause (*a*), shall be void and unenforceable, and

(*ii*) every such contract made prior to the date of publication of the notification shall be varied and settled on the basis of the last closing rate in a notified market.

Explanation.—In this sub-section,—

(*a*) "last closing rate" means the rate fixed by the Directors of a notified market to be the closing rate of such market immediately preceding the date of publication of the notification under sub-section (*1*) prohibiting the making of contracts relating to raw jute futures; and

(*b*) "notified market" means a raw jute futures market recognised by the Provincial Government by notification in the *Official Gazette*.

Penalty.

4. Whoever, in contravention of the provisions of section 3,—

(*a*) makes a contract relating to raw jute futures, or pays or receives, as the case may be, margin, or

(*b*) being the owner or occupier of any premises, knowingly permits such premises to be used for the making of a contract relating to raw jute futures, or for the payment or receipt of margin,

shall, on conviction, be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Special procedure.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Act shall be cognisable and non-bailable and shall not be triable by any Magistrate other than a Presidency Magistrate or Magistrate of the First Class.

Act V of 1898.

Continuance of action taken under West Bengal Ordinance X of 1948.

6. Any notification issued or anything done or any action taken or any proceedings commenced in exercise of any power conferred by or under the West Bengal Raw Jute Futures Ordinance, 1948, shall, on the said Ordinance ceasing to operate, be deemed to have been issued, done, taken or commenced in exercise of powers conferred by or under this Act as if this Act had commenced on the 24th day of August, 1948.

West Ben. Ord. X of 1948.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL.

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1646L.—8th October, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information :—

West Bengal Act XXVI of 1948

THE WEST BENGAL CEMENT CONTROL ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 8th October, 1948.]

An Act to confer powers to control the production, supply and distribution of, and trade and commerce in, cement in West Bengal.

WHEREAS it is expedient to confer powers to control the production, supply and distribution of, and trade and commerce in, cement in West Bengal;

It is hereby enacted as follows:

Short title, extent and commencement.

1. (*1*) This Act may be called the West Bengal Cement Control Act, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall come into force on the date on which the West Bengal Cement Control Ordinance, 1948, ceases to operate. West Ben. Ord. IX of 1948.

Definition.

2. In this Act, unless there is anything repugnant in the subject or context, "cement" includes portland cement, any other cementitious product manufactured by intergrinding or intermixing portland cement as defined in the British Standard Specifications of 1940, with any active or inert material, white and coloured cements, high alumina cements, and any product manufactured by direct mixing of some or all oxides constituting normal portland cement.

Power to control production, supply, distribution, etc., of cement.

3. (*1*) The Provincial Government, so far as it appears to it to be necessary or expedient for maintaining or increasing the supply of cement or for securing its equitable distribution and availability at fair prices, may, by order in the *Official Gazette*, provide for regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein within West Bengal.

(*2*) Without prejudice to the generality of the powers conferred by sub-section (*1*), an order made thereunder may provide—

(*a*) for regulating by licenses, permits or otherwise the production or manufacture of cement;

(*b*) for regulating or controlling the prices at which cement may be purchased or sold and for prescribing the conditions of sale thereof;

(*c*) for regulating by licenses, permits or otherwise, the storage, transport, movement, possession, distribution, disposal, acquisition, use or consumption of cement;

(*d*) for prohibiting the withholding from sale of cement ordinarily kept for sale;

The West Bengal Cement Control Act, 1948.

(Sections 4—8.)

(*e*) for requiring any person holding stock of cement to sell the whole or specified part of the stock at such prices and to such persons or classes of persons or in such circumstances, as may be specified in the order;

(*f*) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;

(*g*) for requiring persons engaged in the production, supply or distribution of, or trade or commerce in, cement to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto, as may be specified in the order; and

(*h*) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles, vessels and aircraft, the seizure by a person authorised to make such search of cement in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, the grant or issue of licenses, permits or other documents, and the charging of fees therefor.

(2) When any cement is seized under the authority of any order made under sub-section (*1*), the person seizing the cement shall make a report of such seizure to a Magistrate who may give such directions as to its temporary custody as he thinks fit, so, however, that where no prosecution is instituted for contravention of the order in respect of the cement seized within a period in his opinion reasonable, the Magistrate shall direct its return to the person from whom it was seized; and the provisions of the Code of Criminal Procedure, 1898, shall, so far as they may be applicable, apply to any search or seizure under any such order as they apply to any search or seizure under Chapter VII of that Code. Act V of 1898.

Delegation of powers.

4. The Provincial Government may, by order in the *Official Gazette*, direct that the power to make orders under section 3 shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by such Officer or authority subordinate to the Provincial Government as may be specified in the direction.

Effect of orders inconsistent with other enactments.

5. Any order made under section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

Penalties.

6. If any person contravenes any order made under section 3, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both, and, if the order so provides, any Court, trying such contravention, may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to His Majesty.

Attempts and abetments.

7. Any person who attempts to contravene, or abets a contravention of, any order made under section 3, shall be deemed to have contravened that order.

Offences by corporation.

8. If the person contravening an order made under section 3 is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

The West Bengal Cement Control Act, 1948.

(Sections 9—12.)

False statement.

9. If any person—

(*i*) when required by any order made under section 3 to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or

(*ii*) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish,

he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Cognizance of offences.

10. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code. Act XLV of 1860.

Power to try offences summarily.

11. Any Magistrate or bench of Magistrates empowered for the time being to try in a summary way the offences specified in sub-section (*1*) of section 260 of the Code of Criminal Procedure, 1898, may, on application in this behalf being made by the prosecution, try in accordance with the provisions contained in sections 262 to 265 of the said Code any offence punishable under this Act. Act V of 1898.

Special provision regarding fines.

12. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the First Class specially empowered by the Provincial Government in this behalf and for any Presidency Magistrate to pass a sentence of fine exceeding one thousand rupees on any person convicted of contravening an order made under section 3.

The West Bengal Cement Control Act, 1948.

(Sections 13—16.)

Savings.

13. No order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

Protection of action taken under the Act.

14. (*1*) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

(*2*) No suit or other legal proceeding shall lie against the Crown for any damages caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

Power to exempt certain varieties of cement.

15. The Provincial Government may, by notification in the *Official Gazette*, exempt any variety of cement from all or any of the provisions of this Act.

Continuance of action taken under West Ben. Ord. IX of 1948.

16. Any order or direction issued or any action taken or anything done or any penalty, forfeiture or punishment incurred or imposed or any proceeding commenced in exercise of any power conferred by the West Bengal Cement Control Ordinance, 1948, shall, on the said Ordinance ceasing to be in operation, be deemed to have been issued, taken, done, incurred, imposed or commenced under the provisions of this Act as if this Act had commenced on the 6th day of August, 1948.

West Ben. Ord. IX of 1948.

By order of the Governor,

B. K. GUHA,

Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 8th October 1948.

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Published by Authority

SUNDAY, OCTOBER 17, 1948

I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL.

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

1556A.R.—17th October 1948.—The following notification by the Secretary to the Governor of West Bengal is hereby published for general information :—

Notification No. 6166S., dated the 16th October 1948.—In His Majesty's name His Excellency the Governor-General has assented to the West Bengal Black Marketing Bill, 1948.

S. K. MUKHARJI,
Secretary to the Governor.

By order of the Governor,
M. M. BASU,
Dy. Secy. to the Govt. of West Bengal.

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION.

No. 19971D.C.S.—17th October 194[illegible] In exercise of the power conferred by sub-section 92 of the Government of Ind[illegible] 19[illegible] the Governor is pleased to direct that the W[illegible] Bengal Black Marketing Act, 1948 (West Beng[illegible] Act XXXII of 1948), shall apply to the Darjeeling district with effect from the date on which the We[illegible] Bengal Black Marketing Ordinance, 1948 (W[illegible] Bengal Ordinance VI of 1948), ceases to [illegible] subject to the modification that sub-section [illegible] section 1 of the said Act shall be omitted.

By order of the Governor,
R. S. KRISHNASWAMY,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Govt. Ptg., West Ben[illegible]
at West Bengal Govt. Press, Alipore, on the 17th October 194[illegible]

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Extraordinary

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SUNDAY, OCTOBER 17, 1948

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT
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Diary No.

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1652L.—17th October, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor-General, is hereby published for general information :—

West Bengal Act XXXII of 1948

THE WEST BENGAL BLACK MARKETING ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor General was first published in the *Calcutta Gazette, Extraordinary*, of the 17th October, 1948.]

An Act to make special provision for checking black marketing.

WHEREAS it is expedient to make special provision for checking black marketing;

It is hereby enacted as follows: —

Short title, extent and commencement.

1. (*1*) This Act may be called the West Bengal Black Marketing Act, 1948.

(*2*) It extends to the whole of West Bengal.

(*3*) It shall come into force on the date on which the West Bengal Black Marketing Ordinance, 1948, ceases to operate. West Ben. Ord. VI of 1948.

Definition.

2. In this Act, the expression "Black Marketing" means, —

(*a*) selling or purchasing for purposes of trade any goods at a greater price than the maximum price fixed, by or under any law, notification or order for the time being in force, for the sale of such goods,

(*b*) otherwise than in accordance with any law, notification or order for the time being in force, selling or disposing of, or supplying articles declared to be rationed articles or otherwise rationed by or under any law, notification or order in force;

(*c*) in contravention of any law, notification or order for the time being in force, supplying, distributing, selling, disposing of, or parting with the possession or custody of, or offering to supply, distribute, sell, dispose of or part with the possession or custody of, or acquiring or taking into possession goods or anything whatsoever, the supply, distribution, sale, disposal, parting with the possession or custody, acquiring or taking into possession of which is prohibited or subject to restrictions or conditions (including conditions as to price) by or under any law, notification or order for the time being in force;

The West Bengal Black Marketing Act, 1948.

(Sections 3—5.)

(*d*) storing, taking, causing, permitting or suffering delivery of goods upon any premises delivery upon which is prohibited by or under any law, notification or order for the time being in force;

(*e*) otherwise than in accordance with any law, notification or order for the time being in force, producing, manufacturing, or treating any goods or thing the production, manufacture or treating of which is subject to restrictions or conditions by or under any law, notification or order for the time being in force;

(*f*) otherwise than in accordance with any law, notification or order for the time being in force, moving or purporting to sell or supply or purporting to acquire or take into possession for purposes of trade any goods or any thing whatsoever vested in His Majesty by or under any law, notification or order for the time being in force;

(*g*) otherwise than in accordance with any law, notification or order for the time being in force, using, or dealing with any licence, permit, ration card, ration document, or ration coupon issued under any law, notification or order for the time being in force;

(*h*) in contravention of any law, notification or order for the time being in force, making or uttering any counterfeit or forged licence, permit, ration card, ration document or ration coupon or doing any other act or thing in relation to any licence, permit, ration card, ration document or ration coupon issued under any law, notification or order for the time being in force, or in relation to any counterfeit or forged licence, permit, ration card, ration document or ration coupon,

(*i*) withholding from sale any article which has been prohibited from being so withheld by or under any law, notification or order for the time being in force.

Offence of black marketing and penalty.

3. (*1*) Whoever commits black marketing shall be punishable with imprisonment which may extend to seven years but shall not, except for reasons to be recorded in writing, be less than six months and shall also be liable to a fine.

(*2*) The offence of black marketing under this Act shall not be prosecuted without the sanction of the Provincial Government.

(*3*) In addition to any other punishment, the Court before which a person is convicted of the offence of black marketing shall order the forfeiture to His Majesty of the goods or things (if any) in respect of which the offence of black marketing was committed or an equivalent quantity of the same or like goods or things belonging to the convicted person, or of a sum of money representing their value at the time of the order of forfeiture.

Prohibition of carrying on business in certain cases.

4. (*1*) On the third or any subsequent occasion on which a person is found guilty of an offence of black marketing the Provincial Government may make such order, having effect during such period as the Provincial Government thinks fit, for preventing the offender carrying on or being concerned in any manner directly or indirectly with the carrying on of the business in the course of which the transaction constituting the offence of black marketing was effected, or any branch of that business or any business or branch of business of a similar character.

(*2*) If any person contravenes an order made under this section he shall be punishable with imprisonment of either description for a term which may extend to six months and shall also be liable to fine.

(*3*) No Court shall take cognizance of an offence under sub-section (*1*) unless upon a complaint made by order of or under authority from the Provincial Government.

Vicarious liability.

5. (*1*) Where a person guilty of the offence of black marketing is a body corporate, every person who, at the time of the commission of the offence, was a director, officer

or servant actively concerned in the conduct of the business of the body corporate shall be deemed to be guilty of the offence, unless he proves that the offence was committed without his knowledge and that he used all due diligence to prevent the commission of the offence or of offences of the same character.

(*2*) Where the offence of black marketing is committed by a firm, each partner, secretary or principal officer or agent thereof shall, unless the contravention took place without his knowledge and he exercised all due diligence to prevent such contravention, be deemed to be guilty.

Attempts and abetments.

6. Any person who attempts or abets the commission of an offence of black marketing shall be deemed to have committed the offence of black marketing:

Provided, however, that the purchase of any goods for a purpose other than that of trade shall not by itself amount to abetment of black marketing.

Abetment by public servants.

7. Any public servant as defined in the Indian Penal Code who by any dereliction of duty facilitates the commission of the offence of black marketing by any person shall be deemed to have abetted the commission of the said offence within the meaning of section 6 unless he proves his innocence. Act XLV of 1860.

Bond by convicted person.

8. (*1*) Where a person is convicted of an offence punishable under this Act, the Court before which he is convicted may, in addition to any punishment provided for the offence, order him to execute a bond for a sum proportionate to his means with or without sureties to observe the provisions of the law, as in force in relation to which the offence was committed, for a period not exceeding three years.

(*2*) If any person fails to comply with an order of the Court requiring him to execute a bond, the Court may order him to be put in prison for any term not exceeding twelve months to commence at the expiration of any term of imprisonment to which he was sentenced on his conviction.

(*3*) If any person who has executed a bond under subsection (*1*) commits a breach of the condition specified in the bond his bond shall be forfeited and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the Court concerned why such penalty should not be paid.

Security for good behaviour in certain cases.

9. Whenever a Chief Presidency Magistrate or District Magistrate or a Presidency Magistrate or Magistrate of the first class specially empowered by the Provincial Government in this behalf, has information that there is within the limits of his jurisdiction any person who within or without such limits transports foodstuff in contravention of an order made or deemed to have been made under the Essential Supplies (Temporary Powers) Act, 1946, such Magistrate if in his opinion there is such sufficient ground for proceeding may require such person to show cause why he should not be ordered to execute a bond with or without sureties for his good behaviour for such period not exceeding one year as the Magistrate thinks fit to fix and thereafter the provisions of Chapters VIII and XLII of the Code of Criminal Procedure, 1898, shall apply in such cases. XXIV of 1946. Act V of 1898.

Any contravention of the order under the Essential Supplies (Temporary Powers) Act, 1946, committed after the execution of such bond shall be deemed to constitute a forfeiture of the bond.

Offences under the Act to be cognizable and non-bailable.

10. Any offence punishable under this Act shall be cognizable and non-bailable.

Special provision regarding bail.

11. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no person accused in a trial before or convicted and sentenced to imprisonment by a Tribunal constituted under this Act of an offence shall be released on bail or on his own bond unless—

(*a*) the prosecution has been given an opportunity to oppose the application for such release, and

The West Bengal Black Marketing Act, 1948.

(Sections 12—14.)

(*b*) where the prosecution opposes the application, the Tribunal is satisfied that there are reasonable grounds for believing that he is not guilty of the offence.

Cases triable by Special Tribunals.

12. (*1*) The Provincial Government may, from time to time by notification in the *Official Gazette*, allot cases for trial to each Special Tribunal, and may also from time to time by like notification transfer any case from one Special Tribunal to another or withdraw any case from the jurisdiction of a Special Tribunal or make such modifications in the description of a case (whether in the names of the accused or in the charges preferred or in any other manner) as may be considered necessary.

(*2*) The Special Tribunals shall have jurisdiction to try the cases for the time being respectively allotted to them under sub-section (*1*) in respect of such of the charges as may be preferred against the several accused and any such case which is at the commencement of this Act or at the time of such allotment pending before any Court or another Special Tribunal shall be deemed to be transferred to the Special Tribunal to which it is so allotted.

Constitution of Special Tribunals.

13. (*1*) The Special Tribunal constituted under this Act shall consist of three persons each of whom shall be a person who—

(*a*) is or has been a Judge of a High Court or a Sessions Judge or an Additional Sessions Judge; or

(*b*) is qualified for appointment as a Judge of a High Court:

Provided that the appointment to a Special Tribunal of any person not qualified under clause (*a*) shall be made in consultation with the High Court.

(*2*) The Provincial Government shall appoint one of the members to be the President of the Special Tribunal.

Procedure and powers of Special Tribunals.

14. (*1*) A Special Tribunal may take cognizance of offences without the accused being committed to it for trial, and in trying accused persons shall follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates: Act V of 1898.

Provided that a Special Tribunal may, for reasons to be recorded in writing, refuse to summon any witness if satisfied after examination of the accused that the evidence of such witness will not be material, and shall not be bound to adjourn any trial for any purpose, unless such adjournment is in its opinion necessary in the interest of justice:

Provided further that for the purpose of sub-section (*1*) of section 356 of the said Code, English shall be deemed to be the language of the Court and the Tribunal may decide by which one, if any, of its members the evidence of any or all of the witnesses shall be taken down in writing, and where under the provisions of that sub-section the evidence of witnesses is taken down under the direction and superintendence of the Tribunal but not by a member thereof, the provisions of sub-section (*3*) of section 356 shall not apply.

(*2*) Notwithstanding anything contained in section 13 any two members of a Special Tribunal may proceed with the trial of a case during the temporary and unavoidable absence of the third member:

Provided that all three members shall be present when after the evidence has been concluded the prosecutor or the accused or his pleader is addressing the Special Tribunal and when the judgment in the case is delivered.

(*3*) Save as provided in sub-section (*1*), the provisions of the Code of Criminal Procedure, 1898, except the provision of section 196A and of Chapter XXXIII, shall, so far as they are not inconsistent with this Act, apply to proceedings of a Special Tribunal; and for the purposes of the said provisions the Special Tribunal shall be deemed to be a Court of Session, trying cases without a jury, and a person conducting a prosecution before a Special Tribunal shall be deemed to be a Public Prosecutor.

(*4*) A Special Tribunal shall not, merely by reason of a change in its members, be bound to recall and rehear any witness who has given evidence, and it may act on the evidence already recorded by or produced before it.

(*5*) In the event of any difference of opinion among the members of a Special Tribunal the opinion of the majority shall prevail.

(*6*) A Special Tribunal may pass any sentence authorised by law.

Appeal and revision.

15. The High Court may, subject to the provisions of section 16 regarding the transfer of cases, exercise, so far as they may be applicable, all the powers conferred by Chapters XXXI and XXXII of the Code of Criminal Procedure, 1898, on a High Court, as if the Special Tribunal were a Court of Session trying cases without a jury within the local limits of the High Court's jurisdiction Act V of 1898.

Bar of certain jurisdiction.

16. No Court shall have authority to transfer any case from a Special Tribunal, or, save as provided in section 15, have any jurisdiction of any kind in respect of any proceedings of a Special Tribunal.

Burden of proof in certain cases.

17. When any person is prosecuted for an offence of black marketing, in respect of an act or being in possession of a thing without lawful authority or without a permit, licence or other document, the burden of proving that he had such authority, permit, licence or other document, shall be on him.

Accused person to be competent witness.

18. Any person charged with an offence of black marketing shall be a competent witness, for the defence, and may give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial:

Provided that-

(*a*) he shall not be called as a witness except on his own request;

(*b*) his failure to give evidence shall not be made the subject of any comment by the prosecution or give rise to any presumption against himself or any person charged together with him at the same trial;

(*c*) he shall not be asked, and if asked shall not be required to answer any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged, or is of bad character, unless—

(*i*) the proof that he has committed or been convicted of such offence is admissible evidence to show that he is guilty of the offence with which he is charged, or

(*ii*) he has personally or by his pleader asked questions of any witness for the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or of any witness for the prosecution, or

(*iii*) he has given evidence against any other person charged with the same offence.

Special procedure for trial in the absence of accused persons.

19. (*1*) Where any accused, in a trial before a Court under this Act, is, for any reason incapable of appearing or fails to appear before the Court, or resists his production before the Court, or behaves before the Court in a persistently disorderly manner, the Court may, for reasons to be recorded in writing, at any stage of the trial, by order in writing made after such inquiry as it thinks fit, dispense with the attendance of such accused for such periods as it may think fit, and proceed with the trial in the absence of the accused.

(*2*) Where a plea is required in answer to a charge from an accused whose attendance has been dispensed with under sub-section (*1*), such accused shall be deemed not to plead guilty.

The West Bengal Black Marketing Act, 1948.

(Sections 20, 21.)

(3) An order under sub-section (1) dispensing with the attendance of an accused shall not affect his right of being represented by a pleader at any stage of the trial, or of being present in person if he has become capable of appearing, or appears before the Court and undertakes to behave in an orderly manner.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no finding, sentence or order passed in such trial shall be held to be illegal by any Court by reason of any omission or irregularity whatsoever arising from the absence of any or all of the accused whose attendance has been dispensed with under sub-section (1). Act V of 1898.

Notice of conviction to be displayed in or outside shops.

20. (1) Upon the conviction of any person for the offence of black marketing, the Provincial Government may require that person to exhibit in or outside or both in and outside his place of business (if any), notices of such number, size and lettering, in such positions and containing such particulars relating to the conviction as the Provincial Government determines and to keep them so exhibited continuously for a period of not less than three months from the date of conviction; and the person shall comply fully with that requirement; and if he fails to do so, shall again be guilty of the offence of black marketing.

(2) If any such person refuses or fails to comply with any such requirement, any officer authorised in that behalf by an order in writing passed by the Provincial Government may, without prejudice to any proceedings arising out of any such refusal or failure, affix the notices in or outside or both in and outside the place of business in accordance with the requirement of the Provincial Government in pursuance of the last preceding sub-section.

(3) Any person who obstructs any such officer in exercise of any power conferred by this section shall be deemed to have committed an offence under section 353 of the Indian Penal Code. Act XLV of 1860.

(4) The notices shall be headed with the words "Black Marketing Act, 1948" in bold letters and shall be prepared in such a manner as to be easily legible to persons contemplating making any purchases or conducting any business at the place of business where they are affixed.

(5) If the Provincial Government is satisfied that the exhibition of notices in accordance with the requirements of the foregoing provisions of this section would not be effective to bring the fact of the conviction to the notice of persons dealing with the convicted person, the Provincial Government may, in lieu of or in addition to making any such requirement, require the convicted person to print or cause to be printed on the letter-heads to be used by him in connection with his business during a period of not less than three months from the date of the conviction, a notice headed 'Black Marketing Act, 1948" in bold type and of such size and lettering, in such position and containing such particulars relating to the conviction as the Provincial Government determines; and the convicted person shall comply fully with that requirement, and if he fails to do so, shall again be guilty of the offence of black marketing.

Particulars of conviction to be published in the Gazette, etc.

21. (1) Particulars relating to the conviction of any person for an offence against this Act shall be published in the *Official Gazette*.

(2) If the Provincial Government is satisfied that it is necessary so to do, in order to give adequate publicity to the offence of black marketing committed by any person, it may issue a press note containing as full and adequate an account of the trial and conviction of any such person as is reasonable in all the circumstances; and it shall be the duty of every Editor, Printer and Publisher of such newspaper in West Bengal as the Provincial Government may direct to publish the full text of such press note.

(3) If any Editor, Printer or Publisher of such a newspaper contravenes the provisions of sub-section (2), he shall, on a complaint made by order of or under authority from the Provincial Government, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

Offences under section 20 or section 21 triable by a Presidency Magistrate or a Magistrate of the first class.

22. Offences under section 20 or section 21 shall be triable by a Presidency Magistrate or a Magistrate of the first class.

Externment of persons convicted.

23. Where any person is convicted of the offence of black marketing the Provincial Government may, if it thinks fit, by an order in writing duly served upon such person, direct that such person after the expiry of his sentence shall remove himself from such area and within such time and by such route as may be specified in the order and not to return thereto for a period to be specified in the order without written permission of the Provincial Government:

Provided that a person who and whose father were born in the Province of West Bengal or who is a member of a family which has definitely settled in that province and is himself so settled shall not be directed to remove himself beyond the boundaries of the Province of West Bengal.

Failure to comply with the order of externment.

24. Any person who having been directed by an order made and served on him under section 23,—

(*a*) fails to remove himself from any area directed by such order, or

(*b*) having removed himself from such area returns thereto in contravention of such order

may be arrested without a warrant by any police officer, and—

(*i*) may be removed in police custody outside such area, or

(*ii*) on conviction before a Magistrate shall be punished with imprisonment for a term which may extend to two years or with fine or with both.

Indemnity.

25. No suit, prosecution or legal proceedings whatever shall lie against any person in respect of anything which is, in good faith, done or intended to be done under this Act.

Continuance of action taken under West Bengal Ordinance VI of 1948.

26. Any rule, order or appointment made or any notification issued or anything done or any penalty, forfeiture or punishment incurred or imposed or any action taken or any proceedings commenced in exercise of any power conferred by the West Bengal Black Marketing Ordinance, 1948, shall, on the said Ordinance ceasing to be in operation, be deemed to have been made, issued, done, incurred, imposed, taken or commenced in exercise of the powers conferred by this Act as if this Act had commenced on the 1st day of January, 1948. West Ben. Ord. VI of 1948.

Rule making power.

27. The Provincial Government may make rules for carrying out the purposes of this Act.

By order of the Governor,
K. A. ALI,
Dy. Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 17th October 1948.

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The Calcutta Gazette



Extraordinary

Published by Authority

FRIDAY, OCTOBER 15, 1948

WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT
RECEIVED
ON:- 20 OCT 1948
File No.....
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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Political.

ORDERS.

7623P.—15th October 1948.—In exercise of the power conferred by section 35 of the West Bengal Security Act, 1948 (West Bengal Act III of 1948), the Governor is pleased to direct that the powers conferred upon the Provincial Government by sub-sections (2), (3), (4) and (5) of section 5A of the said Act shall, in respect of the areas specified in column 1 of the table below, be, subject to the control of the Provincial Government, exercised by the officers specified respectively opposite each such area in column 2 of the said table:—

Table.

1 Area	2 Officers.
(a) The town of Calcutta as defined in the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866.	The Commissioner of Police and the Deputy Commissioners of Police.
(b) Each district of West Bengal excluding the suburbs of Calcutta.	The District Magistrate, the Additional District Magistrate, the Superintendent of Police and the Additional Superintendents of Police of the district.

No. 7624P.—15th October 1948.—Whereas the Provincial Government considers it necessary and expedient that special precautions should be taken to prevent the entry of unauthorised persons into the places described in the Schedule below;

Now, therefore, in exercise of the power conferred by section 5A of the West Bengal Security Act, 1948 (West Bengal Act III of 1948), the Governor is pleased to declare the said places to be protected places:—

Schedule.

Names of the places	Particulars of the places. *Boundaries.*
Palmer's Bridge Dry Weather Flow pumping station, 6/1, Palmer Bazar Road, Calcutta	North—Goreppara Road. East—Palmer Bazar Road. South—Corporation Private Roads West—Crossing of Corporation Private Road and Goreppara Road.
Palmer's Bridge Drainage pumping station, 7/1, Palmer Bazar Road, Calcutta	North—South Seoldah Road. East—Bed of Cut Sewage Channel. South—Corporation Private Road West—Palmer Bazar Road.

	Names of the places.	Particulars of the places *Boundaries.*
	Ballygunge Drainage pumping station, 25, Tiljala Road, Calcutta.	North—Scavengers' Bustee, etc. East—Open Plot, Canal, etc. South—Achut Sikh Gurudwara Temple. West—Tiljala Road.
4	Mominpore Drainage pumping station, 9, Mominpore Road, Calcutta.	North—British Indian Electric Construction C Ltd. East—Meher Ali Mondol Street (Bustees) South—Meher Ali Mondol Street. West—Mominpore Road.
5.	Manicktolla Drainage pumping station, 64, Raja Dinendra Street, Calcutta.	North—66A, Raja Dinendra Street and 4 Baldeopara Lane. East—45B, 45/1, 47, 48, 49 and 49 1, Baldeopa Lane. South—63, Raja Dinendra Street, P20A, Mani tolla Road and 279D, Manicktolla Road West—Raja Dinendra Street.
6.	Mallick Ghat Unfiltered Water pumping station, Calcutta.	(*a*) The pumping station which is enclosed by high wall on all sides and which lies between t following limits, bounded— North—Calcutta approach to the Howr Bridge. East—New Diversion of Strand Road South—By private houses lying between area and the compound of the Dock Police Stati West—By wall separating the area from t Port Commissioners' Railway. (*b*) The Jetty and In-take pipes on riversi bounded— North—Howrah Bridge. East—Armenian Ghat Road. South—Armenian Ghat. West—River Hooghly. (Police-station—North Division Port Police
7	Tallah Waterworks, Calcutta ..	The place which is irregular in shape is enclos by walls and railings and lies between t Barrackpore Trunk Road on the West, Talla Park Road on the South, Tallah Park on t East and the Wireless Station, the Goech Gardens and some huts on the North (Police-station—Chitpore.)
8	Watgunge Unfiltered Water pumping station, 2, Garden Reach Road, police-station Watgunge, Calcutta.	North—A passage leading from Garden Rea Road to river Hooghly, separating 1, Gard Reach Road (Port Police Outpost). East—Garden Reach Road. South—3, Garden Reach Road, known as "Na House" situated on Port Commissioners' lan West—River Hooghly.

By order of the Governo

R. GUPTA.

Secy. to the Govt. of West Benga

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RT I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATIONS.

o. 1548A.R.—8th October 1948.—The following fication by the Secretary to the Governor of t Bengal is hereby published for general rmation :—

Notification No. 6068S., dated the 6th October 8. In His Majesty's name, His Excellency the ernor has assented to the Bengal Motor Spirit s Taxation (West Bengal Amendment) Bill, 8.

S. K. MUKHARJI,
Secretary to the Governor."

By order of the Governor,
M. M. BASU,
Dy. Secy. to the Govt. of West Bengal.

o. 1549A.R.—8th October 1948.—The following fication by the Secretary to the Governor of t Bengal is hereby published for general rmation :—

Notification No. 6072S., dated the 6th October 8. In His Majesty's name, His Excellency the ernor has assented to the Bengal Excise (West gal Amendment) Bill, 1948.

S. K. MUKHARJI,
Secretary to the Governor."

By order of the Governor,
M. M. BASU,
Dy. Secy. to the Govt. of West Bengal.

No. 1550A.R.—8th October 1948.—The follow notification by the Secretary to the Governor West Bengal is hereby published for gene information :—

"Notification No. 6086S., dated the 7th Octo 1948.—In His Majesty's name, His Excellency Governor has assented to the West Ben Undesirable Advertisements (Control) Bill, 19

S. K. MUKHARJI
Secretary to the Governo

By order of the Governor
M. M. BASU,
Dy. Secy. to the Govt. of West Beng

No. 1554A.R.—15th October 1948.—The follo ing notification by the Secretary to the Govern of West Bengal is hereby published for gener information :—

"Notification No. 6095S., dated the 8th Octob 1948.—In His Majesty's name, His Excellency t Governor has assented to the Calcutta Sheriff Bill, 1948.

S. K. MUKHARJI,
Secretary to the Governor

By order of the Governor
M. M. BASU,
Dy. Secy. to the Govt. of West Benga

No. 1555A.R.—15th October 1948. The follo ing notification by the Secretary to the Governo of West Bengal is hereby published for gener information :—

"Notification No. 6097S., dated the 8th Octob 1948.—In His Majesty's name, His Excellency t Governor has assented to the West Bengal Land Revenue, Rent and Cess (Apportionment) Bill 1948.

S. K. MUKHARJI.
Secretary to the Governor

By order of the Governor
M. M. BASU,
Dy. Secy. to the Govt. of West Benga

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Part III- Acts of the West Bengal Legislature

Government of West Bengal
Judicial and Legislative (Legislative) Department.
Notification.

No. 1647L.- 8th Oct. 1948.- The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information:-

West Bengal Act XXVII of 1948
The Bengal Motor Spirit Sales Taxation (West Bengal Amendment) Act, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 15th October, 1948.]

An Act further to amend the Bengal Motor Spirits Sales Taxation Act, 1941.

Act V of 1941. Whereas it is expedient further to amend the Bengal Motor Spirit Sales Taxation Act, 1941, for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows :-

t title 1. This Act may be called the Bengal Motor Spirit Sales Taxation (West Bengal Amendment) Act, 1948.

dment of 3 of Ben. V of 2. After sub-section (4) of section 3 of the Bengal Motor Spirit Sales Taxation Act, 1941, the following sub-section shall be added, namely :-

"(5) No tax shall be levied under this Act on the sale of any motor spirit to Diplomatic and Consular Officers of such countries as may be specified in this behalf by the Provincial Government by notification in the official Gazette."

By order of the Governor,
B.K. Guha,
Secy. to the Govt. of West Bengal.

Government of West Bengal
Judicial and Legislative (Legislative) Department.
Notification

No. 1648 L.- 8th October, 1948.- The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information :-

West Bengal Act XXVIII of 1948
The Bengal Excise (West Bengal Amendment) Act, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 15th October, 1948.]

ct V 09 An Act further to amend the Bengal Excise Act, 1909.

Whereas it is expedient further to amend the Bengal Excise Act, 1909, for the purpose and in the manner hereinafter appearing;

It is hereby enacted as follows :-

title 1. This Act may be called the Bengal Excise (West Bengal Amendment) Act, 1948.

dment of 2 of Act V of 1909 2. To clause (18) of sec. 2 of the Bengal Excise Act, 1909, the following explanation shall be added, namely :-

"Explanation.- The supply of liquor by a club, mess, institute, society, lodge or other similar organisation by whatever name called to its members or their guests whether on payment of price or of any fee or subscription or not shall be deemed to be a sale within the meaning of this clause."

By order of the Governor,
B.K.Guha,
Secy. to the Govt. of West Bengal.

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Government of West Bengal
Judicial and Legislative (Legislative) Deptt.
Notification

No.1649L.- 8th October, 1948.- The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information :-

West Bengal Act XXIX of 1948

The West Bengal Undesirable Advertisements(Control) Act, 1948.

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 18th October, 1948]

An Act to control the publication of advertisements relating to contraceptives and the medical treatment of certain diseases and disorders.

Whereas it is expedient to control the publication of advertisements relating to contraceptives and the medical treatment of certain diseases and disorders;

It is hereby enacted as follows :-

1. (1) This Act may be called the West Bengal Undesirable Advertisements (Control) Act, 1948. — Short title extent and commencemen
(2) It extends to the whole of West Bengal.
(3) It shall come into force on such date as the Provincial Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,- — Definitions
(1) "advertisement" includes oral advertisement and also includes any notice, sign, announcement, bill, handbill, circular, book, newspaper, magazine, periodical, pamphlet or leaflet, whether pictorial or otherwise;
(2) "prescribed" means prescribed by rules made under this Act;
(3) "sexual disorder" means ailment, irregularity, affection or diseased condition of the organs of generation;
(4) "venereal disease" means syphilis, gonorrhoea or soft chancre or any sign, symptom or sequela of such disease and includes such other venereal diseases as may be prescribed by the Provincial Government in this behalf.

3. (1) No person shall by means of any advertisement, - — Prohibition issue of ce advertiseme
(a) prescribe or offer to prescribe any medicine or appliance for use as contraceptive, or
(b) offer to treat any person for, or indicate the line of treatment of, any venereal disease, sexual disorder, irregularity of menstruation or any other prescribed disease, infirmity or abnormality or offer to prescribe, any remedy therefor, or give or offer to give any advice in connection with the treatment thereof.
(2) No person shall print or publish, or cause to be printed or published, for distribution or exhibition to the public, or circulate or cause to be circulated or exhibit or cause to be exhibited, to the public or to any person,-
(a) any advertisement referred to in sub-section (1), or
(b) any label or set of instruments, whether pictorial or

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otherwise, to be affixed to or delivered with, any packet, box, bottle or phial,

if such label or set of instructions recommends, asserts or infers that any remedy, medicine, medicinal or herbal preparation or any appliance or charm of any kind, whether for use internally or externally, is a contraceptive or is useful or may be used as a contraceptive, or is a cure, or is useful or may be used, for the prevention, treatment or relief of any venereal disease, sexual disorder, irregularity of menstruation or any other prescribed disease, infirmity or abnormality.

iscation of ments, etc., aining advertisement, etc., contravenes ion 3

4. (1) Any person prescribed under sub-section (2) who may be authorised in writing in this behalf by the Commissioner of Police in Calcutta and the District Magistrate elsewhere may at any time seize and detain any document or any article or thing which such person has reason to believe contains any advertisement which contravenes any of the provisions of section 3, and the Court trying such contravention may direct that such document or such article or thing and all copies thereof shall be forfeited to His Majesty.

(2) The Provincial Government shall prescribe the persons or classes of persons who may be authorised under sub-section(1) to take the action provided for under that sub-section.

(3) Where in pursuance of sub-section (1) any document or article or thing has been declared to be forfeited to His Majesty, any police officer may seize any copy thereof, wherever found, and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any premises whereon or wherein such document or article or thing or any copy thereof is or is reasonably suspected to be.

Explanation.- In this section "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866.

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5. Whoever contravenes any of the provisions of section 3 sha on conviction, be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

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6. Nothing in this Act shall apply to,-

(a) any medical treatise or book, or any treatise or book dealing with the subject from a bona fide scientific or social standpoint, or

(b) any advertisement, or any article or thing sent confidentially in the prescribed manner only to a medical practitioner or to a wholesale or retail chemist for the purpose of his business, or

(c) any advertisement made, printed or published with the previous sanction of such person or persons as the Provincial Government may appoint in this behalf, or

(d) any advertisement, label or set of instructions which is permitted under the Drugs Act, 1940 or any rules made thereunder.

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Explanation.- "Medical practitioner" in this section includes a person regularly practising either the allopathic, homeopathic, ayurvedic, unani or any other system of medicine.

sdiction ry offences.

7. No Magistrate other than a Presidency Magistrate or a Magistrate of the First Class shall try an offence punishable under this Act.

icers to be ed public vants. XLV of 1860. mnity.

8. Any person empowered to act under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

9. No suit, prosecution or other legal proceeding shall lie against any servant of the Crown for anything which is in good faith done or intended to be done under this Act.

10. (1) The Provincial Government may make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

(a) the venereal diseases referred to in clause(4) of section 2;

(b) the diseases, infirmities or abnormalities referred to in section 3;

(c) the persons and classes of persons referred to in sub-section (2) of section 4;

(d) the manner of sending confidentially an advertisement, article or thing referred to in clause (b) of section 6.

By order of the Governor
B.K.Guha,
Secy. to the Govt. of West Bengal

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Government of West Bengal
Judicial and Legislative (Legislative) Department
Notification.

No.1650L.- 15th October, 1948.- The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information :-

West Bengal Act XXX of 1948
The Calcutta Sheriff's Act, 1948.

[Passed by the West Bengal Legislature]
[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 15th October,1948]

Whereas it is expedient to provide for certain matters relating to the office of the Sheriff of Calcutta;

It is hereby enacted as follows :-

1. (1) This Act may be called the Calcutta Sheriff's Act,1948. Short t and com ment.

(2) It shall come into force on such date as the Provincial Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless there is anything repugnant in the subject or context, "prescribed" means prescribed by rules made under this Act. Definit

3. (1) The Sheriff of Calcutta (hereinafter referred to as the Sheriff) shall be appointed annually by the Governor from a panel of three persons to be nominated on the occasion of each vacancy by the High Court in Calcutta. Appointm the Sheri Calcutta.

(2) The Sheriff shall hold office during the pleasure of the Governor and shall be entitled to such allowances as the Governor may determine and no other allowances.

4. The Deputy Sheriff of Calcutta shall be appointed in such manner and shall be entitled to such allowances as may be prescribed. Appointment Deputy Sheri of Calcutta.

5. Subject to the provisions of this Act, the Sheriff and the Deputy Sheriff and their subordinates shall carryout the orders of the High Court in Calcutta in the manner determined by the said Court. Power of the Court to con certain func of the Sheri other employ

6. Notwithstanding anything contained in the Charter establishing the Supreme Court of Judicature at Fort William in Bengal, dated the twenty-sixth day of March 1774, or in any other law, the posts of all such officers and servants (other than employees who are paid by the day) as may be employed for the proper performance of the duties of the Sheriff shall, on the commencement of this Act, be civil posts under the Crown in India. Posts of off and servants the Sheriff civil posts the Crown.

7. The Sheriff and the Deputy Sheriff and their subordinates shall be exempt from liability in respect of all their acts or defaults done or committed while exercising or purporting to exercise their functions under this Act or for which they would have been liable but for this Act. Indemnity

8. (1) The revenues of the Province shall be liable to make good all sums required to discharge the liability mentioned in section 7. Liability of Provincial r nues in cert cases.

(2) Nothing in sub-section (1) shall be deemed to render liable the revenues of the Province or any Sheriff, or Deputy Sheriff or any of their subordinates appointed after

the commencement of this Act for anything done by, or under the authority of, any Sheriff or Deputy Sheriff before the commencement of this Act.

(3) Nothing in sub-section (1) shall prevent the Provincial Government from recovering any sum paid by it under that sub-section from the Sheriff, the Deputy Sheriff or any of their subordinates liable personally to ~~x~~ pay such sum.

(4) Sums payable by the Provincial Government under sub-section (1) are hereby declared to be charged on the revenues of the Province.

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9. The Sheriff shall transfer and pay to such authority, in such manner and at such times as may be prescribed, all fees realised by him or by any of his officers and servants after the date of the commencement of this Act, together with the balance standing on the said date to the credit of the account known as the "Sheriff's Account Number II," and such fees and balance shall be carried to the account and credit of the revenues of the Province.

eriff's n Fund

10. The Trustees of the fund known as "the Sheriff's Pension Fund" (hereinafter referred to as the Fund), maintained for the provision of pensions for the officers and servants employed by the Sheriff prior to the commencement of this Act, shall transfer and pay to such authority, in such manner and at such times as may be prescribed, the balance standing to the credit of the Fund at the date of the commencement of this Act, and such balance shall be carried to the account and credit of the revenues of the Province.

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11. (1) All officers and servants previously employed by the Sheriff who, at the date of the commencement of this Act, are in receipt of pensions or entitled to gratuities in accordance with the rules of the Fund, shall be paid such pensions or gratuities out of the revenues of the Province.

(2) All officers and servants of the Sheriff, who are in his employment at the date of the commencement of this Act, shall, in respect of such employment prior to that date, be paid out of the revenues of the Province such pensions, gratuities and compensation as may be determined by the Provincial Government in accordance with the rules of the Fund:

Provided that such compensation, if any, shall not be less than that which, in similar circumstances and in accordance with the rules made in this behalf by the Provincial Government, would be admissible to persons in the service of the Provincial Government.

(3) Any dispute arising in connection with the amount of any pension, gratuity or compensation payable under sub-section(1) or sub-section (2) shall be referred to the West Bengal Public Service Commission, the decision of which shall be final and shall not be the subject-matter of any proceedings in any Court.

(4) All pensions payable under this section out of the revenues of the Province shall be so payable in all respects as pensions payable for service under the Provincial Government and shall be subject to the rules made in that behalf by the Provincial Government.

(5) If any officer or servant of the Sheriff is permanently re-employed in the service of the Provincial Government, his employment under the Sheriff shall, for the purposes of the rules relating to pay and pensions, be deemed to have been service under the Provincial Government :

Provided that,-

(a) if any such officer or servant desires to elect to refund an gratuity or cease to draw any pension, as the case may be, and to count for future pension his employment under the Sheriff, he shall so elect immediately on being permanently re-employed; and

(b) if he so elects, any period of temporary service under the Provincial Government intervening between the date of the commencement of this Act and the date of such permanent re-employment shall not be considered as a break in service, but shall not count as service for the purposes of pension.

Explanation.- Where such election is made, the whole of the pension, both for employment under the Sheriff prior to the commencement of this Act and for service in such permanent re-employment

under the Provincial Government, shall be calculated at the rates provided in the rules relating to the pensions of servants of the Provincial Government, and not at the rates provided in the rules of the Fund.

Power to rules.

12. (1) The Provincial Government may make rules for carrying into effect the purposes of this Act in regard to those functions of the Sheriff which are discharged under the administrative control of the Provincial Government.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for, -

(a) the manner of appointment and the allowances of the Deputy Sheriff referred to in section 4;
(b) the distribution of work between the Sheriff and the Deputy Sheriff;
(c) the authority referred to in sections 9 and 10 and the manner in which and the time at which the fees and balances referred to in these sections shall be transferred and paid;
(d) the safe custody and deposit of all monies, securities and other moveables which come into the hands of the Sheriff; and
(e) the accounts to be maintained by the Sheriff, and the audit and inspection thereof.

By order of the Governor,
K.A.Ali,
Dy. Secy. to the Govt. of West Bengal.

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Government of West Bengal
Judicial and Legislative (Legislative) Deptt.
Notification

No.1651L.- 15th October, 1948.- The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor, is hereby published for general information :-

West Bengal Act XXXI of 1948

The West Bengal Land-Revenue, Rent and Cess (Apportionment) Act, 1948.

[Passed by the West Bengal Legislature & Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 15th October, 1948]

An Act to apportion and fix the land-revenues, rents, and cesses in respect of the portions situated within West Bengal of certain estates, Putni and other tenures and holdings.

Whereas certain estates, tenures and holdings in the Province of Bengal as it existed before the date on which the award came into force are comprised of lands situated, after the said date, partly in the Province of West Bengal in the Dominion of India and partly in the Province of East Bengal in the Dominion of Pakistan;

And whereas it is expedient to apportion and fix the land-revenues or rents, as the case may be, and the cesses payable in respect of the portions situated in West Bengal of the common estates, tenures or holdings;

It is hereby enacted as follows :-

Short title extent and commencement.

1. (1) This Act may be called the West Bengal Land-Revenue, Rent and Cess (Apportionment) Act, 1948.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the Provincial Government may, by notification in the Official Gazette, appoint.

Definition

2. In this Act, unless there is anything repugnant in the subject or context,-

(1) "award" means the award of the Boundary Commission referred to in section 3 of the Indian Independence Act, 1947; 10 & 11 Geo. - 30.

(2) the expression "common estates, tenures or holdings" means estates, tenures or holdings which are comprised of lands situated, after the date on which the award

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came into force, partly in the Province of West Bengal in the Dominion of India and partly in the Province of East Bengal in the Dominion of Pakistan;

3) "prescribed" means prescribed by rules made by the Provinci Government under this Act;

(4) "Revenue-officer" includes any officer whom the Provincial Government may appoint to discharge any of the functions of a Revenue-officer under this Act; and

(5) "tenure" includes a Putni tenure.

er to order paration of ord of lands common esta- tenures and dings.

3. The Provincial Government may, by notification in the Official Gazette, make an order directing that a record be prepared in such manner and containing such particulars as may be prescribed of all lands in West Bengal forming parts of the common estates, tenures or holdings.

4. When an order has been made for the preparation of a record under section 3, the Revenue-officer shall prepare such record accordingly containing, in addition to the particulars referre to in section 3, the amounts of land-revenues or rents, as the case may be, and of cesses payable in respect of the portions included in West Bengal of the common estates, tenures or holdings, to be determined by the Revenue-officer in such manner and in accordance with such principles as may be prescribed.

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5. When a record has been prepared under section 4, the Revenu officer shall cause a draft of it to be published in such manner and for such period as may be prescribed and shall receive, during the period of publication of the record, any objections made in regard to any entry therein or omission therefrom relating to the apportionment of land-revenues, rents or cesses.

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6. (1) After the expiry of the period of publication of the record under section 5, the Revenue-Officer shall submit the record to the Revenue authority prescribed with a summary of the objections, if any, which he has received and his report thereon.

(2) Such authority shall finally dispose of the objections submitted to it under sub-section(1) according to such rules as the Provincial Government may make and may confirm the record with or without amendment:

Provided that no entry shall be amended or omission supplied unless notice has been given to the parties concerned for such period and in such manner as may be prescribed to appear and be heard in the matter.

(3) After confirmation by such authority the Revenue-officer shall cause the record to be finally published in the manner prescribed and such publication shall be conclusive evidence that the record has been duly prepared under this Act.

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7. (1) Any person who is aggrieved by any entry in, or omissic from, the record finally published under section 6 in so far as such record relates to the apportionment and fixation of rents or cesses in respect of tenures or holdings, may appeal to the Superior Revenue authority prescribed in such manner and within such period as may be prescribed.

(2) Notwithstanding anything contained in any other law for the time being in force, no Court shall have any jurisdiction in respect of any issue arising out of the proceedings under this Act for the apportionment and fixation of land-revenues rents or cesses or shall annul or alter any decision of a Revenue-officer or a Revenue authority under this Act.

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8. The Revenue-officer may, at any time, either of his own motion or on application, and after giving notice to the parties concerned for such period and in such manner as may be prescribed to appear and be heard in the matter, correct any clerical or arithmetical mistake in the record finally published under section 6 or any error arising therein from any accidental slip or omission and shall make such alterations therein as may be necessary to give effect to any decision on appeal under sub-section (1) of section 7.

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Commencement effect of the record.

On the final publication of the record under section 6,-
(a) the apportionment and fixation, thereunder, of land-revenues or rents, as the case may be, and of cesses in respect of the portions situated in West Bengal of the common estates, tenures or holdings shall, notwithstanding anything contained in any other law for the time being in force or in any contract, be deemed to have come into force and the common estates, tenures or holdings, as the case may be, shall be deemed to have been and to be partitioned accordingly, on and from the date on which the award came into force (hereinafter referred to as the said date), and
(b) all laws for the time being in force relating to the creation or settlement of estates, tenures or holdings or to the recovery of land-revenue, rent or cesses in respect thereof shall be deemed to have such partitioned estates, tenures or holdings on and from the ~~date~~ said date.

Power to make rules.

10. (1) The Provincial Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-
(a) the manner of preparing a record and the particulars to be contained therein referred to in section 3;
(b) the manner of, and the principles for, determining the amounts of land-revenues, rents and cesses referred to in section 4;
(c) the manner and period of publication of a draft record referred to in section 5;
(d) the Revenue authority referred to in sub-section (1) of section 6, and the disposal of objections under sub-section (2) and the manner of final publication of a record under sub-section (3) of that section;
(e) the period of, and the manner of giving, notice referred to in the proviso to sub-section (2) of section 6 and in section8; and
(f) the superior Revenue authority referred to in sub-section(1) of section 7, the manner of presentation of appeals to such authority and the period within which such appeals shall be presented under the said sub-section.

By order of the Governor,
K.A.Ali,
Dy.Secy. to the Govt. of West Bengal

The Calcutta Gazette
Extraordinary
Published by Authority
Wednesday, October 20,1948.

Part I- Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

Government of West Bengal
Office of the District Magistrate, Murshidabad.
Notifications.

No.2242L.S.G.- 28th August 1948 - Whereas a vacancy has been caused by the failure of Jonab Jahiruddin Biswas to make oath of allegiance within the prescribed time under section 16B of the Bengal Local Self-Government Act, 1885, in the non-reserved seat of the member of the Raghunathganj Constituency of the District Board of Murshidabad.

Now, therefore, in exercise of the power conferred by rule 43 of Part II of the Rules for Direct Election to District Boards, I call upon the said Raghunathganj Constituency mentioned in Schedule II below to elect a member for the purpose of filling the above vacancy caused within the 25th November 1948 which is the date fixed by me in that behalf :-

Schedule II.

Number and name of the constituency and extent of the constituency.

V.- Raghunathganj- The whole of Raghunathganj police-station.

No.2243L.S.G.- 28th August 1948 - In exercise of the powers conferred by sub-rule (2) of rule 2 of Part II of the Rules for Direct Election to District Boards, I hereby publish the following dates fixed by me under clauses (a), (b), (c) of sub-rule (2) and under sub-rule (11) of rule 2 of the said rules read with sub-section (2) of section 16A of the Bengal Local Self-Government Act, 1885, for performing the functions in connection with the by-election to be held in the Raghunathganj Constituency of the District Board of Murshidabad in pursuance of notification No.2242L. S dated 28th August 1948 :-

(1) Date on or before which nominations are to be made - 3rd November 1948
(2) Date on which scrutiny of nominations is to be held - 6th November 1948
(3) Date on or before which candidature may be withdrawn - 9th November 1948
(4) Date of publication of the final list of candidates - 13th November 1948
(5) Date on which a poll shall, if necessary, be taken and hours of polling - 25th November 1948 (between 10 a.m. and 4 p.m.)

P.K.Mukherjee,
Addl.District Magistrate,
Murshidabad.

gered No. C207

The Calcutta Gazette

Extraordinary

Published by Authority

FRIDAY, OCTOBER 22, 1948

RT I—Orders and Notifications by the Governor of st Bengal, the High Court, Government Treasury, etc

GOVERNMENT OF WEST BENGAL

OFFICE OF THE COMMISSIONER. PRESIDENCY DIVISION.

NOTIFICATION.

No. 1282M. 22nd October 1948.—In exercise of the power conferred by section 20 of the ngal Municipal Act, 1942, delegated to the visional Commissioners by Government notifica- n No. 1908M., dated the 3rd November 1936, d in modification of notification No. 1120M. ed 18th September 1948, it is hereby notified general information that for the election of mmissioners of the Santipur Municipality, in district of Nadia, the number of Commis- ners to be elected from each of the existing five ds of the municipality is determined as three.

J. N. TALUKDAR,
Commissioner, Presidency Division

l and published by the Superintendent, Govt. Ptg., West Bengal est Bengal Govt. Press, Alipore on the 22nd October 1948

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Diary No. .....

The Calcutta Gazette

Extraordinary

Published by Authority

SATURDAY, OCTOBER 23, 1948

ON:- 2 ... 1948
File No. .....
Diary No. .....

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

LABOUR DEPARTMENT.

Labour.

ORDER.

No. 3754Lab.—21st October 1948. Whereas under the Government of West Bengal, Commerce, Labour and Industries Department, order No. 195Lab., dated the 22nd January 1948, the industrial dispute between the management of the Royal Calcutta Golf Club, Tollygunj, 24-Parganas, and their employees, represented by the Secretary, Royal Calcutta Golf Club Workers' Union, 9, Golf Club Road, Tollygunj, 24-Parganas, was referred for adjudication to Sri P. Sarkar, Additional District Judge;

And whereas the said Sri P. Sarkar, Additional District Judge, has given the award as shown in the annexure hereto;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 15 read with sub-section (3) of section 19 of the Industrial Disputes Act, 1947 (XIV of 1947), the Governor is pleased to make the following order and to direct with reference to section 17 of the said Act that the Award be published in the *Calcutta Gazette*.

The Award made by the said Sri P. Sarkar, Additional District Judge, shall bind the Company and their workmen aforesaid as specified therein and shall remain in force for a period of one year with effect from the date of its publication.

ANNEXURE.

In the matter of an industrial dispute between the management of the Royal Calcutta Golf Club, Tollygunge, 24-Parganas, and their employees represented by the Secretary, Royal Calcutta Golf Club Workers' Union, 9, Golf Club Road, Tollygunge, 24-Parganas.

PRESENT.

Sri P. K. SARKAR, *Judge, Industrial Tribunal*

For the Club: Sri S. C. SEN, *Advocate*.

For the Union: Sri M. MOOKERJI, *Vice-President* and Sri M. BANERJI, *Secretary*.

AWARD.

By Government order No. 195Lab., dated the 22nd January 1948, this industrial dispute was referred to me as a Tribunal constituted under sections 7 and 10 of the Industrial Disputes Act for adjudication. I gave notice to the parties and on 6th February 1948 the Union filed written statement. The Club filed written statement on 20th February 1948 and issues were framed on 25th February 1948. The Club had taken an objection that it was not an industry within the meaning of the Industrial Disputes Act and that as such the Tribunal had no jurisdiction to adjudicate upon the dispute. Accordingly an issue was framed on the point and that is issue No. 1. On 19th March 1948 there was a preliminary hearing on this issue. Before this I had an occasion to decide an identical issue raised by the Bengal Club and certain other clubs in an industrial dispute concerning those clubs and their workmen which had been referred to me by the Government order No. 90Lab., dated the 12th January 1948. I held in that case that the clubs fell within the category of an "industry" as defined in the Industrial Disputes Act being "undertakings" within the meaning of the first part of the definition and "employers of workmen", according to the second part of the definition. Thereafter the said clubs filed a petition before the Hon'ble High Court for an order prohibiting me from exercising any jurisdiction in respect of the dispute concerning the said clubs and for issue of a writ of *certiorari* against me and the Hon'ble Court was pleased to issue a rule and grant an injunction in terms of the petition. The learned Counsel representing the Royal Calcutta Golf Club submitted on 19th March 1948 that since that club was a club of the same nature as the clubs which I held to be industries within the meaning of the Industrial Disputes Act, he expected that I should take the same view in respect of this club also. He therefore requested me to adjourn the hearing of this case until the disposal of the petition filed by the other clubs in the High Court. The representatives of the Union also agreed to such an adjournment. The hearing of the case was thereupon adjourned from time to time pending disposal of the aforesaid petition by the High Court. But on 11th September 1948 Mr. S. C. Sen, on behalf of the Club, stated that he would not press issue No. 1 as question the jurisdiction of the Tribunal and that he would accept my view that the club was an industry according to the definition in the Industrial Disputes Act. Accordingly, the hearing of the case was taken up and concluded on that date.

The case of the Royal Calcutta Golf Club Workers' Union is that after the formation of the Union a letter was addressed by the Union on 8th November 1947 to the Captain of the Club enclosing certain demands. A copy of that letter was also sent to the Labour Commissioner. Subsequently there was a strike which was settled after some days through the intervention of the Labour Commissioner. The Labour Commissioner, however, failed to conciliate the dispute and so the dispute was referred to the Tribunal. The case of the Club is that certain demands were received from the employees of the Club on 20th September 1947 and that the said demands were considered at a meeting of the representatives of the Club and of the workers on 24th September 1947. At that meeting an agreement is said to have been reached on various matters. A copy of the minutes of that meeting has been filed by the Club along with its written statement. The Club states that it has implemented its obligations under the agreement arrived at in that meeting and contends that the employees are bound to do the same. The following issues were framed on the basis of the written statements and the demands submitted by the Union:

Issues.

(1) Is the club an industry within the meaning of the Industrial Disputes Act and has this Tribunal jurisdiction to adjudicate upon the dispute in question?

(2) Was there any agreement between the Club authorities and the workers on 24th September 1947? Are the workers and the Union bound thereby?

(3) Recognition of the Union.

(4) Basic pay for –

(*i*) Coolies—male and female,

(*ii*) Cooly Sardars and Sardarnis,

(*iii*) Caddies,

(*iv*) Pumpmen and machine-men, and

(*v*) Drivers.

(5) Are Out Caddies, Playing Caddies, Tank boys and Mark boys employees of the Club? If so, what should be their basic daily wages?

(6) Dearness allowance.

(7) Whether wages should be paid on the monthly system.

(8) Whether temporary and seasonal workers should be made permanent and the length of the probationary period.

(9) Hours of work and rest day. Extra wages for overtime work.

(10) Leave—Privilege leave, sick leave.

(11) Uniforms for all workers.

(12) Free medical aid.

(13) Whether all employees should get the benefit of the Provident Fund—Rates of contribution.

(14) Rules of dismissal and discharge from service.

(15) Reinstatement of five female workers, viz

(*a*) Saraswati Debi,

(*b*) Tarangini Debi,

(*c*) Rani Debi,

(*d*) Kiron Debi and

(*e*) Kushum Debi.

(1) As already stated, this issue was not pressed by the Advocate for the Club on 11th September 1948. In my opinion the Club is an industry as defined in section 2(*j*) of the Industrial Disputes Act being an undertaking and Sri S. C. Sen on behalf of the Club agreed with this view. The Tribunal has therefore jurisdiction to adjudicate upon the dispute in question.

(2) From the minutes of the meeting held on 24th September 1947, which have been filed by the Club along with its written statement, it appears that a few employees were present at the meeting along with Sri M. Banerji, Secretary of the Union. Mr. Elton, Acting Captain addressed the meeting and went through each of the demands and discussed them where necessary and it is stated that certain decisions regarding the demands were unanimously adopted by the meeting. The minutes, however, cannot be construed as an agreement and they do not bear the signature of any of the employees present or of Sri M. Banerji, Secretary of the Union. The decisions were all taken and announced by Mr. Elton and there is nothing to show that the workers present agreed to the same on behalf of the Union or the general body of workers. In the circumstances, I cannot hold that there was any agreement between the authorities of the Club and the workmen on 24th September 1947 by which the workers and the Union are bound.

(3) **Recognition of the Union.**—The Club is not willing to recognise the Union and has submitted that the Tribunal has no jurisdiction to consider this issue. I am also of opinion that the question of recognition cannot be deemed to be an industrial dispute. Under the amended Trade Unions Act a procedure has been laid down for obtaining compulsory recognition by application to the Labour Courts which will be set up very soon and the Union is directed to get itself recognised by such procedure.

(4 and 6) **Basic pay and dearness allowance.**—(*i*) *Coolies—male and female.*—The Club employs several male coolies, some of whom are permanent and the others are temporary. The permanent male coolies at present receive Rs. 25 as basic pay and Rs. 15 as dearness allowance. The basic pay originally demanded by the Union was Rs. 40 but at the time of hearing the Union reduced the demand for basic pay to Rs. 30, provided that Rs. 25 was paid as dearness allowance. In the Tollygunge Golf Club the minimum basic pay for the permanent male coolies is Rs. 19 and the maximum is Rs. 22. This Club is already paying Rs. 25 as basic pay to the male coolies. The Club has agreed to increase the dearness allowance of the permanent male coolies to Rs. 25 which means an increment of Rs. 10. In the Tollygunge Club dearness allowance is paid at the rate of Rs. 30 to the male coolies but the total of basic pay (Rs. 25) and dearness allowance (Rs. 25) offered by this Club is more than the minimum basic pay and dearness allowance paid to the permanent coolies by the Tollygunge Club. In view of this and the increment in the dearness allowance offered by the Club, I think that the basic pay of the permanent male coolies should remain as at present. It should also be remembered that a club,

ugh it may be an industry within the definition the Industrial Disputes Act, is not a business profit-making concern and so the minimum basic allowed in industrial concerns cannot timately be demanded for club workers. I ordingly fix the basic pay of the permanent le coolies at Rs. 25 and dearness allowance at 25 per month.

As regards the temporary male coolies the Club present pays them 12 annas per day as basic and 8 annas per day as dearness allowance. the Tollygunge Club, however, such coolies paid at the rate of Rs. 1-8 per day. The b is willing to increase the remuneration of temporary coolies to Rs. 1-8, according to pay scale of Tollygunge Club. The Union has no objection to that. The basic pay of temporary male coolies is therefore fixed at annas per day and dearness allowance also at annas per day making a total of Rs. 1-8 per . The temporary coolies are paid at daily rates t it is agreed by the Union that this system of ment will remain unchanged.

The female coolies employed by the Club are temporary. They are at present paid at the e of 14 annas per day. The Club agrees to nance their wages to Re. 1-2 per day—9 annas basic pay and 9 annas as dearness allowance. the Tollygunge Club, the female coolies are d at the rate of Re. 1-4 per day. But it pears that the female coolies of this Club are not uired to do the same kind of work as in the llygunge Club. The work of the female coolies this Club is less onerous than that in the Tolly-nge Club. In this view of the matter, I think at the rate offered by the Club is quite reason-le. I accordingly fix the daily wages of the male coolies at Re. 1-2—9 annas as basic pay d 9 annas as dearness allowance.

(*iii*) *Cooly Sardar and Cooly Sardarni.*—There is ly one Cooly Sardar and also one Cooly Sardarni this Club. The Union demanded that the rdar and the Sardarni should get Rs. 5 more n what the male and female coolies get. There no objection to paying the Sardar Rs. 5 more n what is paid to the permanent male coolies. far as the Sardarni is concerned, the Club is t willing to pay her Rs. 5 more than what is id to the female coolies but is agreeable to pay Rs. 3 more. I think there must be some ference in the remunerations of the Sardar and Sardarni just as there is difference in the nunerations of the male and female coolies. present the Sardar gets Rs. 3 more than the le coolies and the Sardarni gets Rs. 2 more than female coolies. What the Club has offered is improvement on the present position. I ordingly fix the basic pay of the Cooly Sardar ale) at Rs. 30, i.e., Rs. 5 more than the sic pay of the permanent male coolies. The basic y of the Sardarni is fixed at Rs. 3 per month in cess of the basic pay of a female cooly calculated a monthly basis. The Sardar will receive the me dearness allowance as the permanent le cooly, viz., Rs. 25 per month, and the darni will receive the same dearness allowance the female coolies calculated on a monthly basis.

(*iv*) *Caddies.*—The caddies who are called Club ddies are permanent employees of the Club here are also other categories of caddies who are lled out caddies and playing caddies but they e not exactly employees of the Club, as will be en when I come to issue No. 5. I am now ncerned with the Club caddies who are per-anent employees of the Club. They receive a sic pay per month which varies from Rs. 5 to s. 7 and also get Rs. 15 as dearness allowance. hey receive such small pay because they are iven opportunities for employment by the Club members who play golf for which they receive remuneration at the rate of Re. 1 per each round of play. The work which they are required to do as employees of the Club consists of attending to bunkers, cutting grass, watering and raking. For taking they are paid extra at the rate of Rs. 2 per month while such work is in hand. Their hours of duty on week days are generally from 6 a.m. to 10 a.m. and, more often than not, they are free round about 9 a.m. Thus they can attend the Club in the afternoon on week days and Saturdays and on Sundays and holidays they are practically free for the whole day for being employed by members in the play of golf. The Union originally demanded a much higher basic pay for the caddies but at the time of hearing the Union only wanted that their basic pay should be increased by Rs. 5. The Club has objected to a general increase of pay but it appears that some Club caddies do actually get more than Rs. 5. Some of them get Rs. 7. They also get Rs. 2 as raking allowance while employed in raking work as already stated. They get attendance bonus of 8 annas per month on condition of regular attendance. Taking into consideration all these additional allowances and the fact that the Club actually grants increment of pay to the caddies when found efficient, I do not think that there is any necessity for increasing their basic pay from Rs. 5. They have also ample scope for extra earnings as caddies employed by the members playing golf. The rate of remuneration for such work is at present Re. 1 per each round of play. But since in the Tollygunge Club the rate is Rs. 1-8 per each round, the Club has agreed to increase the remuneration of the Club caddies to the same rate. This is an additional reason why the basic pay of the Club caddies should not be enhanced. I accordingly fix the basic pay of the Club caddies at Rs. 5 and dearness allowance Rs. 15 and I also direct that the Club caddies will receive Rs. 1-8 per round whenever engaged by the members playing golf as caddies.

(*v*) *Pumpmen and machinemen.*—There are no separate categories of workmen in the Club known as pumpmen and machinemen. Ordinary coolies who are more intelligent are employed in the dry season to cut greens and trees with lawn mowers and to water them with pumps from nearby tanks or tube-wells. The pumps are drawn by tractors. Whenever coolies are employed in such work they are paid Rs. 2 as extra wages and the machine pullers who pull the lawn mowers are paid an extra wage of Re. 1 per month. The Union originally demanded an extra wage amounting to Rs. 5 per month for such work. This demand was, however, not pressed and the Union agreed to the extra wages being fixed at Rs. 2. I direct accordingly that the coolies employed as pumpmen and machinemen should receive Rs. 2 as extra wages per month. The machine pullers will get Re. 1 per month.

(*vi*) *Drivers.*—The drivers drive the tractors and belong to the permanent staff. There are three such drivers, two of whom get Rs. 57 and the other Rs. 60. They also get Rs. 13 as dearness allowance. The Club is willing to raise the dearness allowance of the drivers to Rs. 25 per month. The Union demanded that the basic pay of drivers should be raised to Rs. 70. I think, however, that it will be sufficient if the basic pay is raised to Rs. 60. I accordingly fix the basic pay of the drivers at Rs. 60 per month and the dearness allowance at Rs. 25 per month.

(5) Out caddies, playing caddies, tank boys and the mark boys are not employees of the Club like the Club caddies. They are merely licensed by the Club to work for the Club members who may desire to engage them. The Club members who engage them pay their remunerations through the

Club. Though originally the Union demanded that these should be deemed to be employees of the Club and given the same wages and privileges as the Club caddies, this demand was not pressed by the Union at the time of hearing. It was felt by the Union's representatives that such a demand would really be detrimental to the interest of these men. Many of these men actually work elsewhere on weekdays and attend the Club on Sundays and holidays and in the afternoon on Saturdays to earn something extra by being engaged by the Club members playing golf. It was therefore agreed by the Union at the time of hearing that the present arrangement should continue but it was pressed that the rates of remuneration paid to these people should be raised and that the Club should give preference to the out caddies and playing caddies while engaging permanent club caddies. As regards the latter demand the Club authorities have no objection to absorb the efficient and experienced out caddies and playing caddies in the category of permanent club caddies whenever vacancies may occur for such posts. They are also willing to increase the number of permanent club caddies. As regards remuneration the Club agreed that the out caddies and the playing caddies should have the same rate of remuneration as in the Tollygunge Club. The rate in the Tollygunge Club is Re. 1-4 per each round and the Club being agreeable to pay at the same rate, the said rate is fixed for them.

Tank boys and mark boys are also outsiders just like out caddies. The mark boys are generally children between 8 and 10 years old and the tank boys are generally youngmen. The tank boys are allotted duty at certain tanks where they remain for the whole day or half day, as the case may be, their period of duty being about eight hours a day for two sessions, and they are paid 12 annas for one session and Rs. 1-8 for two sessions. The mark boys are employed in pairs on the right and left of fairways at intervals around the course to be on the look out for the balls that may land in the rough. Their duty is also in two spells and follows the times of play and they are paid 7 annas for one session and 14 annas for two sessions. Both the tank boys and the mark boys get tips from the members of the Club. The Union demanded higher rates for these boys. The Club is willing to raise the remuneration of the mark boys from 7 annas to 8 annas per session. As regards the tank boys the Club is not willing to make any change in the rate of remuneration. In the Tollygunge Club the club caddies are generally employed as tank boys and mark boys and therefore they receive better remuneration. The conditions in this Club being different, these boys cannot be paid at the same rate. The mark boys being 8 to 10 years old, the rate offered by the Club, namely, 8 annas for each session, is sufficient. The rate of 12 annas per session for the tank boys also appears to be sufficient. These rates are accordingly fixed for them. The Club, however, agrees that the tank boys and the mark boys who are engaged on Sundays or holidays should be employed for the whole day and get work in both sessions not exceeding eight hours in all.

(7) **Whether wages should be paid on the monthly system**:— The wages of the permanent employees are paid on the monthly system and as regards the temporary employees who are paid at daily rates, I do not think that any change is necessary. They will continue to be paid at the daily rates until they are made permanent.

(8) So far as permanency of the employees is concerned, the Club is willing to make the male employees, who have put in two years' service, permanent at once and agrees that in future the employees who have put in two years' service should be deemed to be permanent. The Union demands that one year's service or at least one and a half years' service should be deemed sufficient for permanency. The Club engages a large number of seasonal and casual workers who cannot be made permanent and it will be unreasonable to ask the Club to make such workers permanent. But the workers who are not seasonal and who have not been engaged as casual workers should certainly be made permanent after they have put in a certain period of service and I think that the demand of the Union that those who have put in one and a half years' service should be made permanent is quite reasonable. I find from the statement filed by the Club that out of sixty-six male coolies only ten have put in two years' service. Mr. S. C. Sen submits that this list contains several casual workers, specially among those who were recruited within the last three years. The total number of coolies who have put in more than one year's service is twenty-six. Out of these the Club can easily afford to make permanent those who have put in one and a half years' service. I accordingly direct that the Club should treat as permanent those among the male coolies who have put in one and a half years' service before the date of this award.

So far as the women coolies are concerned, none of them has been made permanent and the total number appears to be fifteen. The Club is not willing to make the rule of permanency applicable to the women coolies because they are seasonal workers and also because the Club has a scheme to replace the women coolies by male coolies, the latter being more efficient and the women coolies being most irregular. In view of this I do not want to make the rule of permanency stated above applicable to the women coolies. As seasonal workers, they cannot claim to be made permanent though some of them might have been employed by the Club for several years season after season.

(9) The working hours for the coolies are eight hours generally from 6 a.m. to 10 a.m. and from 11 a.m. to 3 p.m. on week days and 6 a.m. to 10 a.m. and 11 a.m. to 2 p.m. on Sundays. For the club caddies the working hours are different as already stated. The factory hours are not applicable to the Club and in view of the nature of the work which is not as strenuous as in a factory, no rest day is necessary. In an institution like this Club where members play golf on Sundays and on holidays, it is not possible to provide any closing day or rest day for workers. The demand for rest day is therefore rejected. Overtime work is paid for on the same rate as basic pay and dearness allowance.

(10) **Leave.**—All permanent employees of the Club get 14 days' privilege leave with full pay and allowance per year and the leave may be accumulated up to a maximum of 28 days. The Union has demanded 21 days' privilege leave and 14 days' sick leave with full pay. So far as the privilege leave is concerned, what the Club allows to the permanent workers is sufficient and there is no need to increase the period of leave. As regards sick leave, according to the amended service rules adopted by the Club, such leave is discretionary and can be considered only when the employee concerned has reported sick on the first day of his illness, has attended the Tollygunge Hospital which is supported by the Club for this purpose and has undergone the whole of the treatment prescribed by the Medical Officer-in-charge of the Hospital. This is a very rigorous rule and cannot be supported. I think that some provision for sick leave should be made and that it should be available to the employees of the Club on less rigorous conditions

I accordingly allow 15 days' sick leave in a year with half pay and allowance to the permanent workers on production of medical certificate from a registered medical practitioner. For employees living at a distance from Tollygunge it will not be possible to get his sickness certified by the Medical Officer of the Tollygunge Hospital

(11) **Uniforms for the workers.**—The Union demanded uniforms for all workers. The Club has opposed the demand. It appears that in the Tollygunge Club some of the workers get uniforms But that is no reason why this Club should also be forced to supply uniforms to all its workers. The demand is accordingly rejected.

(12) **Free medical aid.**—The Club has made arrangement with the Tollygunge Hospital for treatment of its employees in case of accident and illness. This arrangement is sufficient under the circumstances.

(13) **Whether all employees should get the benefit of Provident Fund and rates of contribution.**- All permanent employees of the Club get the benefit of the Provident Fund. The rates of contribution both for the employees and the Club is 5 per cent. The Union demands that the contribution should be raised to 6¼ per cent. The Club has many other permanent employees who are not members of this Union and whose case is not before me. They are bound by the same Provident Fund Rules. It has been represented to me that it will be difficult to make a change in the Provident Fund Rules regarding contribution for these employees only. In these circumstances, I do not want to make any binding award regarding the rate of contribution, but I would recommend that the Club should consider whether the contribution should not be raised to 6¼ per cent. in respect of all categories of permanent employees.

(14) **Rules of dismissal and discharge from service.** The Union has demanded that in case of retrenchment the newer hands will be retrenched in place of the old hands and the Club agrees to this So this principle should be followed in all cases of retrenchment. In case of new appointments preference should be given to the retrenched workers, if they apply. As regards compensation for retrenchment and discharge, it is agreed by the Club that 7 days' notice or pay in lieu thereof should be given to the temporary workers who have put in 6 months' service and that 14 days' notice or pay in lieu thereof should be given to such workers who have put in one year's service The permanent workers who are paid on monthly basis should be entitled to one month's notice or pay in lieu thereof. These rules will not, however, apply to the casual workers or workers recruited on contract basis for a short period I direct that the Club should follow the above rules regarding retrenchment. The Club should also maintain a list of casual workers to distinguish them from other categories of workers. The Union demanded that some special concession should be made to women workers in the event of retrenchment. To this the Club did not agree and I do not see any reason why special concession should be made for them

(15) The five female workers whose reinstatement has been demanded by the Union appear to have been discharged, according to the statement submitted by the Club, on 23rd January 1948. There is no evidence to the contrary. The present dispute was referred to the Tribunal on 22nd January 1948. It is thus clear that these women were discharged after the reference of the dispute to the Tribunal. So the Tribunal has no jurisdiction to adjudicate upon this issue since it was not a part of the dispute referred to the Tribunal, the discharge having taken place after the reference to the Tribunal. The Club also raised an objection in the written statement questioning the jurisdiction of the Tribunal to decide this issue. The demand for reinstatement cannot therefore be considered for want of jurisdiction.

P. K. SARKAR,
Judge, Industrial Tribunal

The 25th September 1948.

Dictated and corrected by me.

P. K. SARKAR,
Judge

By order of the Governor,

D. S. P. MUKHERJEE,
Jt. Secy. to the Govt. of West Bengal

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION.

No. 20195D.C.S.—22nd October 1948.—In exercise of the power conferred by section 27 of the West Bengal Black Marketing Act, 1948 (West Bengal Act XXXII of 1948), the Governor is pleased to make the following rule, namely:—

Rule.

"The Provincial Government may, by notification in the *Calcutta Gazette*, constitute for the purposes of the West Bengal Black Marketing Act, 1948, one or more Special Tribunals as may appear to it to be necessary in accordance with the provisions of section 13 of the said Act to sit at such place or places as may be specified in the notification."

2. Notification No. 19878D.C.S., dated the 6th October 1948, is hereby cancelled.

By order of the Governor,

M. SARKAR
Dy. Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 23rd October 1948.

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ASSEMBLY DEPARTMENT
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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1716L.—22nd October, 1948.—The following Regulation made by the Governor under sub-section (2) of section 92 of the Government of India Act, 1935, has been assented to by the Governor-General and is hereby published for general information:—

West Bengal Regulation No. I of 1948

THE INDIAN TEA CONTROL (AMENDMENT) DARJEELING DISTRICT REGULATION, 1948.

[Assent of the Governor-General was first published in the *Calcutta Gazette, Extraordinary*, of the 26th October, 1948.]

A Regulation to apply the Indian Tea Control (Amendment) Act, 1948, to the district of Darjeeling

WHEREAS it is expedient to apply the Indian Tea Control (Amendment) Act 1948, to the district of Darjeeling; XIX of 1948

It is hereby enacted as follows:

Short title.

1. This Regulation may be called the Indian Tea Control (Amendment) Darjeeling District Regulation, 1948.

The Indian Tea Control (Amendment) Darjeeling District Regulation, 1948.

(Sections 2, 3.)

Application of Act XIX of 1948 to the Darjeeling district.

2. The Indian Tea Control (Amendment) Act, 1948, shall apply to the district of Darjeeling and shall be deemed to have applied to the said district on and from the 1st day of April, 1948. XIX of 1948.

Validation of certain acts and proceedings.

3. Anything done or any action taken or any proceedings commenced before the commencement of this Regulation which, if the Indian Tea Control (Amendment) Act, 1948, had applied to and come into force in the district of Darjeeling on and from the 1st day of April, 1948, could have been validly done, taken or commenced shall not be invalid by reason of the fact that the said Act did not so apply and come into force but shall be deemed to have been done, taken or commenced in exercise of the powers conferred by or under the Indian Tea Control Act, 1938, as amended by the Indian Tea Control (Amendment) Act, 1948, as if the Indian Tea Control (Amendment) Act, 1948, had applied to and come into force in the said district on and from the 1st day of April, 1948. VIII of 1938.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal

COMMERCE AND INDUSTRIES DEPARTMENT.

Commerce.

NOTIFICATION.

No. 5140Com. 20th October 1948.—His Excellency the Governor-General of Indian Dominion has assented to the Indian Tea Control (Amendment) Darjeeling District Regulation, 1948 made by His Excellency the Governor of West Bengal under sub-section (2) of section 92 of the Government of India Act, 1935.

By order of the Governor,
S. K. CHATTERJEE
Secy. to the Govt. of West Bengal

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PART IIIA—**Ordinances promulgated by the Governor of West Bengal under the Government of India Act, 1935.**

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

West Bengal Ordinance No. XI of 1948

THE CALCUTTA *THIKA* TENANCY ORDINANCE, 1948

WHEREAS it is expedient, pending the enactment of further legislation, to provide for the temporary stay of execution of certain decrees and orders for ejectment of *thika* tenants in Calcutta;

AND WHEREAS the West Bengal Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased in exercise of the power conferred by sub-section (*1*) of section 88 of the Government of India Act, 1935, to make and promulgate the following Ordinance, namely:— 26 Geo. V, c. 2.

Short title, extent and commencement.

1. (*1*) This Ordinance may be called the Calcutta *Thika* Tenancy Ordinance, 1948.

(*2*) It extends to Calcutta as defined in clause (*11*) of section 3 of the Calcutta Municipal Act, 1923, and such suburbs of Calcutta as may have been or may hereafter be notified under section 1 of the Calcutta Suburban Police Act, 1866, and are not included within Calcutta as so defined. Ben. Act III of 1923. Ben. Act II of 1866.

(*3*) It shall come into force on the date of its publication in the *Official Gazette*.

Definition of *thika* tenant.

2. In this Ordinance unless there is anything repugnant in the subject or context,—

"*thika* tenant" means any person who under the system commonly known as "*thika*", "*thika masik utbandi*", "*thika masik*", "*thika basta*" or under any other like system holds land under another person whether under a written lease or otherwise and is, or but for a special contract would be, liable to pay rent at a monthly or any other periodical rate, for that land to such other person and has erected any structure on such land and is entitled to use it for residential purposes or for manufacturing or business purposes and includes the successors in interest of such person.

Stay of execution of certain decrees and orders.

3. Notwithstanding anything contained in any other law for the time being in force, no decree or order for the ejectment of a *thika* tenant shall be executed during the continuance in operation of this Ordinance:

Provided that the provisions of this section shall not apply to any decree or order for ejectment of a *thika* tenant

The Calcutta Thika *Tenancy Ordinance, 1948.*

(*Sections 4—6.*)

made on the ground of non-payment of rent by such tenant unless such tenant deposits into Court the amount of the decree or order together with such costs, if any, as the Court may direct, within thirty days from the date of the decree or order.

Right to realise rent in certain cases.

4. Notwithstanding anything contained in any other law for the time being in forced,—

(*1*) a person obtaining a decree or order for ejectment to which the provisions of section 3 are applicable shall be entitled after the commencement of this Ordinance to realise from the judgment-debtor rent at the rate at which the judgment-debtor was paying rent when notice to quit was served upon him or, where no such notice was served, at the rate at which the judgment-debtor was paying rent when the suit or proceeding, as the case may be, for ejectment was instituted; and

(*2*) the realisation of rent under clause (*1*) shall not be deemed to estop the person obtaining the decree or order for ejectment from executing the decree or order, as the case may be, when such decree or order becomes executable.

Explanation. In this section "judgment-debtor" includes, in relation to an order for ejectment, the person against whom such order has been made.

Saving of limitation.

5. In computing the period of limitation provided by any law for the time being in force for the execution of a decree or order for ejectment to which the provisions of section 3 are applicable, the period during which this Ordinance continues in operation shall be excluded.

Exemption of certain tenants.

6. Nothing in this Ordinance shall apply to any tenant who holds land under the Central or Provincial Government or under a local authority.

KAILAS NATH KATJU,
Governor of West Bengal.

The 25th October, 1948.

By order of the Governor,

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T I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION.

No. 20257D.C.S.—25th October 1948.—In exercise of the powers conferred by the rule made under notification No. 20195D.C.S., dated the 2nd October 1948, published at page 1088 of the *Calcutta Gazette, Extraordinary*, dated the 23rd October 1948, read with section 13 of the West Bengal Black Marketing Act, 1948 (West Bengal Act XXXII of 1948), the Governor is pleased—

(a) to constitute a Special Tribunal to sit at Alipore consisting of the following three persons, namely —

(1) Shri S. N. Guha Roy, I.C.S., District and Sessions Judge, 24-Parganas,

(2) Shri Renupada Mukherjee, Additional District and Sessions Judge, 24-Parganas,

(3) Shri Nripendra Kumar Ghose, Additional District and Sessions Judge, 24-Parganas; and

(*ii*) to appoint Shri S. N. Guha Roy, I.C.S. to be the President of the said Tribunal.

By order of the Governor,

M. SARKAR,

Dy. Secy. to the Govt. of West Bengal

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GOVERNMENT OF WEST BENGAL

DEPARTMENT OF LABOUR.

Labour.

ORDER.

No. 3860Lab. 26th October 1948. Whereas under the Government of West Bengal, Commerce, Labour and Industries Department order No. 2051Lab., dated the 22nd June 1948, industrial dispute between the Management of Kesharimull Kundalmull, 46, Strand Road, Calcutta, and their workmen represented by Chatkal Sramik Union, 6, Peary Mohan Mukherjee Street, Belur, Howrah was referred for adjudication to Sri S. C. Chakravarty, Additional District Judge;

And whereas the said Sri S. C. Chakravarty, Additional District Judge, has given the award as shown in the annexure hereto;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 read with sub-section (3) of section 19 of the Industrial Disputes Act, 1947 (XIV of 1947), the Governor is pleased to make the following order and to direct with reference to section 17 of the said Act that the award be published in the *Calcutta Gazette*.

The award made by the said Sri S. C. Chakravarty, Additional District Judge, shall bind the Company and their workmen aforesaid as specified therein and shall remain in force for a period of one year with effect from the date of its publication.

ANNEXURE.

In the matter of industrial disputes between the Management of Kesharimull Kundalmull, 46, Strand Road, Calcutta, and their workmen as represented by Chatkal Sramik Union, 6, Peary Mohan Mukherjee Street, Belur, Howrah.

PRESENT: SRI S. C. CHAKRAVARTI, *Chairman, Tribunal.*

By order No. 2051Lab., dated 22nd June 1948, Government of West Bengal referred to me under sections 7 and 10 of the Industrial Disputes Act, a dispute between the Management of Kesharimull Kundalmull, 46, Strand Road, Calcutta, and their workmen, as represented by Chatkal Sramik Union, of 6, Peary Mohan Mukherjee Street, Belur, Howrah, for adjudication.

For the Union: Sri Dwijendra Lal Sen Gupta, Pleader.

For the Management: Sri Mani Mohan Banerjee, Pleader.

The Company on the pretext of reduction of business gave a notice on 1st December 1947 to 22 workmen. The reaction to this was a protest from the Union coupled with a charter of demand. On 1st January 1948 the persons under notice were discharged. On 7th January 1948 the Union resorted to what it describes as "Direct Action" which in plain language means strike. On 12th January 1948 the Company gave notice of discharge of 16 other workmen. Negotiations were proceeding when on 20th January 1948, during the pendency of the strike, the Company discharged all the workmen. The Union then approached the Labour Commissioner who mediated and the workers resumed duties on 15th January 1948 and the matter was decided to be referred to a Tribunal.

The Union has catalogued the demands under the following heads:

1. Strike pay.
2. Reinstatement of 39 workmen, 38 referred to above and one Bindheswari Nankoo.
3. Settlement of minimum basic pay.
4. Settlement of dearness allowance.
5. Grade or flat increment.
6. Rules of service.
7. Leave and holidays.
8. Bonus.
9. Retiring benefits and/or provision against old age.
10. Amenities of service.

AWARD.

Points 3, 4 and 5.

Dr. Gadgil once remarked "Financial consideration and general economy of the industry are two of the most important factors which cannot be overlooked in deciding what emoluments are to be paid to the workers." It may often lead to destruction of the industry altogether leading to unemployment if these considerations are overlooked and a living wage according to theoretical definition be thrust upon an industry.

A consideration about the nature of the industry is pertinent. This is a small factory producing umbrella parts. It produces ferrule, caps, notches, runners—collectively called "furniture". The factory also produces steel umbrella handles. In West Bengal there are other factories producing

similar goods: National Metal Industries, Rup Metal Works, M. R. Metal Works, Nafar Atta Work. There are various cottage industries producing similar goods.

The Company has produced an estimate of production cost which is given in Appendix A together with current prices.

The Company admits that the plants are sufficient for very large production but it has to limit work for want of market. Ribs are not manufactured in India. Production must be limited to the extent of import of ribs. There had been cloth control and it is again in the offing. There is world scarcity of cotton textiles. Similar other factories have grown up in other provinces and Bengal has been divided. Practically West Bengal products have markets only in the mutilated province of origin and Assam. The Company's version is that it produces umbrella sticks only against orders. In Appendix B the Company's version of the position of stock is given.

Now let me consider how the disputes arose. On 19th February 1947, the Company wrote to the Secretary of the Union:

"*19th February 1947.*

THE SECRETARY,

Howrah Chatkal Mazdoor Union (Calloogh Umbrella Factory Workers' Union), Belur.

DEAR SIR,

With reference to your letter of the 25th January 1947 we give below the details of the settlement regarding the points raised by you in the said letter:

(1) *Security of Service* — We will not dispense with the services of workers without any fault on their part or so long there will be work suitable for them. If we are to dispense with the service of any worker for any fault on his part or for want of suitable work for him we shall give him one month's notice or one month's pay in lieu of notice.

(2) *Increase of rates, (2) Dearness allowance, (3) Daily hire, (4) Basic wages.*—We arrived at a settlement with the committee appointed by you as per your letter of the 10th instant. A copy of the settlement we enclose herewith. We also hereby confirm to pay Re 1 per day for involuntary (idleness) unemployment.

(5) We confirm seven days casual leave and two day festival leave in a year is settled with you. (Diwali, Holi, Bishkarma, Durgapuja.)

(6) *Increment (5) Grade.*—Increment will be given @ Re 1-8 per month to workers drawing up to Rs. 30 per month and Rs. 2 to those drawing over Rs. 30 per month on completion of 12 months' service, provided his work is satisfactory, conduct good and attendance regular. This will be in force from 1st January 1948.

(7) *Medical Treatment.*—We are giving free medical aid for the past several years.

For Kesharimull Kundalmull,

(Sd.) ,,

On 13th March 1947, Sri Taradas Bhattacharyya, Secretary to the Union, wrote to the Manager as follows: —

"Chatkal Mazdoor Union.

Belur, the 13th March 1947.

THE MANAGER,

Kesharimull Kundalmull Umbrella Factory, 20, G. T. Road, Belur.

DEAR SIR,

This is to inform you that the Union has decided to accept your offer made to us in your letter, dated 19th February 1947, provisionally to see its actual effect after it comes into operation.

The strike notice served on you on 25th January 1947 is also hereby withdrawn.

(Sd.) TARADAS BHATTACHARYYA,
Secretary."

Nothing happened since then and it may be presumed that the workers were satisfied with the conditions, looking to the nature of the industry.

On 1st December 1947 the Company gave notice of retrenchment. The following extract from the notice is relevant:—

"On account of general trade depression and also production of substitutes by others, now very little demand of our products specially for steel handle sticks and consequently we are reluctantly compelled to minimise our production of sticks.

In view of the above we are very sorry to inform you that your services will not be required on and from 1st January 1948.

If however you get any chance within the period we shall be too pleased to relieve you promptly.

If in future business position revives and if we require new men in the departments you work you will of course get preference."

I should say straightway that this was a very conciliatory letter when the Company could not maintain so many men. The charter of demand was in retaliation to this. There was an agreement in February-March accepted by both parties but grievances multiply as soon as retrenchment is made in the event of shortage of work thereafter with an assurance of re-employment if volume of work increased. In Appendix C the pay and other emoluments are given. It will be seen that the total emoluments are below Rs. 50 in many cases. Pay and dearness allowance have not been divided on any scientific basis. Looking to the nature of the industry and its gloomy future and keeping in mind the adjustment made last year I increase the total emoluments of persons who earn less than Rs. 50 as salary and dearness allowance. Their total emoluments be raised to Rs. 50. The increment shall be in salary. Piece rates are earning living wages, so no change is called for. This increment is granted subject to the average daily production as agreed by the Union and the Management on 30th January 1948 as set out below:—

Average daily production as agreed by the Union and Management on 30th January 1948

	per worker per day
Runners	... 2 gross
Caps	... 10 gross
Power Press	... 50 gross
Welding	... 30 doz.
Filing	... 24 doz.
Handle	... 80 doz.

If the production is not maintained, the increments allowed will not be available.

Flat increment, gradation and claim for enhanced dearness allowance be refused.

Production bonus now allowed should continue.

Points 1 and 2.

I have already given in the letter, dated 1st December 1947, the grounds for retrenchment. Nothing has been shown that these are false or

excuse for victimisation. The following is a relevant extract of the strike notice:—

"With regret I beg to state that since a few months the management of your concern is harassing the workers with some ulterior motive. The hand of co-operation, forwarded by the Union, has been curtly refused by the Management by announcing the retrenchment of some workers from 1st January which, in the opinion of the Union, is not genuine. All the complaints, made by Management against the workers, were duly considered by the Union. The Union found that the Management is more responsible for these complaints. Still the Union was ready to cooperate with the Management to find out means for smooth and efficient running of the factory. This was answered by announcement of retrenchment which, in the opinion of the Union, is nothing but punishment and victimisation as the workers were getting ready to put some economic demands.

Under these circumstances, the workers of your factory have decided to serve you a notice stating that if the following demands are not fulfilled they will strike down their tools for the demands. Though the Union has been compelled to resort to last weapon, it hopes still that the Management would be reasonable enough to come to a settlement for the interest of the industry and the country in general."

In its statement before the Tribunal the Union stated "That the discharge of the workmen referred to in paragraph 1 (10 and 15) and one named Bindheswari Nankoo are instances of unfair labour practice and or victimisation and as such should be reinstated with retrospective effect since the date of discharge, allowed full wages for the period of forced unemployment due to discharge and be deemed in service without any break." Nowhere it has been said that there has been selective retrenchment. The learned reader for the Union argued that the expressions 'unfair labour practice and or victimisation' cover case of selective retrenchment. Unfair labour practice has never been defined in any Statute and it is the duty of the lawyer to put precisely his grievances. Such loose expressions help a debate but not the decision of the case.

One Baldeo Rauth was examined to show that this was a case of selective retrenchment. He made the grievance that Bindeswari Singh Prafulla Sachindra appointed after him were retained. Baldeo was appointed on 15th November 1946 Bindeswari on 5th July 1946, Prafulla on 1st June 1946, Sachindra or Kachindra on 28th March 1946. Baldeo Rauth was juniormost and his retrenchment cannot be reproached. The cases of Kapildeo, Ramsevak, Pachoo Mandal, Biren Mistry, Reajuddin were cited. There have been some cases in which newer men from other departments have been imported. In the absence of any complaint that any person has been discharged for trade union activities, the inevitable inference is that the Company looked to efficiency. The Company must have some discretion in retaining more efficient men when the men discharged were little seniors but not much. I am, of opinion that there has been no unfair labour practice in discharging the men. For trade reasons the reduction had become necessary and the Company was justified in terminating the services of 38 men. Out of these 16 were temporarily reinstated pending the adjudication. The Tribunal considers that for trade reasons they have been properly discharged.

The retrenchment was justified and for a strike staged in protest against this the workers are not entitled to strike pay. It has been held in many cases that strike pay cannot be allowed when it is staged to improve service conditions. The workers are not entitled to strike pay.

Point 6.

(a) The Union demands abolition of "contract labour system" and "piece rate system". The Tribunal has no jurisdiction to abolish contract labour system. Piece rate system does not appear to have been abused in this factory. No abuse has been pointed out. In the absence of abuse, piece rate system is good and is helpful to production. This should not be abolished.

(b) The demand is that 3 months' service in the Company will make one permanent and entitle him to all the benefits of the service in the Company.

This is allowed but the period is extended to 6 months.

(c) The Union demands that the workmen of the Company should be all monthly paid and under any circumstances the minimum living wage and dearness allowance should be assured.

I have already fixed total emoluments at Rs. 50. I have already decided that the piece raters shall remain.

(d) The Union demands that the workmen should be given full opportunity of defending himself personally and or through the Union before he is punished in the form of discharge, dismissal or otherwise.

I decide that before such extreme steps as discharge and dismissal or even suspension are taken by the Management, proceedings in writing embodying the specific charges against a particular workman should be drawn up and such workman should be supplied with a copy of such proceedings in good time to enable him to defend himself. In such a proceeding the workman concerned may defend himself without the assistance of any outsider or he may have himself defended by another workman or even by a lawyer.

(e) The Union demands that retrenchment, if at all necessary, should be in consultation with the Union and on the principle of "last come first go".

I decide that in retrenchment of any particular type of workers the principle of "last come first go" in that group shall always apply provided that amongst the workers recruited in the same year the Company will have the discretion in the matter of selection on the ground of inefficiency. I however recommend that at the time of fresh appointment, the Management should consider the claims of the retrenched hands if they seek re-employment.

In all cases of retrenchment, the workmen shall be entitled to one month's notice or, in lieu thereof, one month's pay including dearness allowance.

(f) The Union's demand is that the Factories Act and Rules should be observed and be made applicable to all in the industry including darwans.

The Factories Act cannot be made applicable to darwans. Others will, as in law, come under the Factories Act and Rules framed thereunder.

Point 7.

The Union's demands are as follows: (a) Privilege leave—one month with full pay and dearness allowance, (b) Casual leave—15 days with full pay and dearness allowance, (c) Sick leave—15 days

with full pay and dearness allowance and (*d*) Festival holidays—all Government and Public holidays with full pay and dearness allowance.

The workers shall get leave as under Factories Act. In addition they will get sick leave for 15 days in the year on the certificate of the medical officer of the Company. These will be on full pay and dearness allowance.

Factories know no festive holidays. This is a peculiarity of India. Festive holidays shall not be less than 6 days. If the worker absents on the day preceding or following a festive holiday, he shall be deprived of the benefit of the holiday. It shall be treated as absence.

Darwans will get leave on the lines laid down in Bengal Shops and Establishment Act and the Rules framed thereunder.

Point 8.

The Union demands that three months' wages should be paid to the workmen as yearly bonus.

The prospect of the industry is gloomy. It has not been proved that the owner made huge profits or is expected to make huge profits. The industry cannot be judicially burdened with grant of bonus.

Point 9.

The Union demands gratuity at the rate of one month's pay for each year of service and Contributory Provident Fund at the rate of 12½ per cent.

It is still an infant industry and it is not known what will be its fate. It is so small that no Provident Fund system can be introduced. So far as gratuity is concerned, I think the matter should stand over for the present till the industry stabilises itself. The workers are mostly new and my apprehension is that further retrenchment may be necessary.

Point 10.

The Union demands the following amenities, viz.—

(*a*) Free quarters to all or Rs. 10 as house rent allowance per head per month.

It is no part of the duty of the employer to provide for house in Howrah. The Company has given shelter to 20 to 30 men.

(*b*) Cheap canteen should be provided by the Company within the factory premises.

This is a small workshop and it is uneconomical and it would be beyond proportion to open a canteen.

(*c*) Free medical advice, free medicine and free medical diet on recommendation of the Medical Officer to be engaged by the Company.

This demand is not pressed. It is refused.

(*d*) Union should be provided with an office room by the Company within the factory premises in the interest of the Union and the Company as well.

This cannot be allowed. This is not a condition of labour. Existence of the Union office within the factory premises will interfere with work. The factory gate shall remain closed beyond working hours. The demand is not fair and is refused.

(*e*) That the Tribunal should recommend in the award to give effect to the same since the date of the dispute, i.e., the 18th December 1947.

The Tribunal does not see sufficient justification to recommend retrospective operation of the award.

In conclusion I must thank the lawyers for the help—Sri Dwijendra Lal Sen Gupta for his ze and Sri Mani Mohan Banerjee for his acu criticism and pointed references.

S. C. CHAKRAVARTI,
Chairman, Tribuna

The 4th October 1948.

APPENDIX A.

Cost of production per gross.

Runners.

	Rs.	a.	p.
Materials, 14 lbs.	1	6	0
Labour	1	11	6
Power	0	2	0
Oil	0	2	0
Machine, dies and tools	0	3	0
Packing and labour	0	7	0
Nickelling	2	6	0
Overhead charges	0	3	0
3 per cent. wastages	0	1	0
Total	9	7	6

Caps.

	Rs.	a.	p.
Materials, 2 lbs.	0	10	0
Labour	0	4	0
Power	0	2	0
Oil	0		0
Colour	0	2	0
Machine, dies and tools	0	1	0
Packing and labour	0	1	0
Overhead charge	0	1	0
Wastages	0	0	3
Total	1	9	3

Ferrules.

(Now in the process of manufacturing.)

Brass Notches.

	Rs.	a.	p.
Materials, 2½ lbs.	1	14	0
Labour	1	2	0
Power	0	4	0
H. Coke	0	2	0
Machine and tools	0	4	0
Packing	0	1	0
Overhead charges	0	2	0
Total	3	13	0

Price on the day of hearing.

Runners—Rs. 9-8 to Rs. 10 per gross.

Caps—Re. 1-2 to Re. 1-4 per gross.

Notches—Rs. 3-14 to Rs. 4-2 per gross.

APPENDIX B.

Messrs. Kesharimull Kundalmull Umbrella Factory.

Steel Sticks.

(Total quantity manufactured against orders only.)

. Complete sticks manufactured and sold —9,724 dozen.

Handles manufactured and sold 6,304½ dozen.

(up to July) .. Complete sticks manufactured and sold —2,373½ dozen.

Handles—Nil.

Furniture.

Stock as at 1st January 1947.	Total quantity manufactured during 1947	Quantity sold	Balance
	Gross.	Gross.	Gross.
Nil	14,092	12,197	1,895
Nil	7,059	4,533	2,526
Nil	5,494	5,009	485

Stock as at 1st January 1948.	Total quantity manufactured up to July 1948.	Quantity sold	Balance.
Gross.	Gross.	Gross.	Gross.
1,895	9,668	6,025	5,538
2,526	1,991	607½	3,909½
485	2,853	1,595	1,843

Stock as at 1st August 1948.

Gross.

5,538
3,909½
1,843 } Defective goods mixed

Monthly Paid Workers.

Name of worker	Basic pay		Dearness allowance.	Total.	
	Rs	a.	Rs.	Rs.	a.
Chandan Thakur	77	0	20	97	0
Dhirendranath	80	0	20	100	0
Dinda yal	63	0	20	83	0
Gaur Chand	80	0	20	100	0
Abdul Rahaman	60	0	20	80	0
Mathurmohan Ghose	48	8	20	68	8
Sadhucharan	51	8	20	71	8
Yakubah	38	8	20	58	8
Anapada	30	8	20	50	8
Abdul Hannan	54	8	20	74	8
Haripada	27	0	20	47	0
Nirmal Bose	51	8	20	71	8
Bal Krishna	23	8	20	43	8
Masaku	23	8	20	43	8
Ram Sohag	23	8	20	43	8
Mati Khatun	27	8	20	47	8
Swapanpan	26	8	20	46	8
Ali Hussain	38	8	20	58	8
Nitai Ram	42	8	20	62	8
Puran Mashi	46	8	20	66	8
Rajvallabh	23	8	20	43	8
Sardari	23	8	20	43	8
Ram Bihari	53	8	20	73	8
Ramlal Thakur	21	8	20	41	8
Bahram	21	8	20	41	8
Baetanna Bera	17	8	20	37	8*
Shwnath	21	8	20	41	8
Habib Khan	23	8	20	43	8
Shiv Sankar	21	8	20	41	8
Habib Rahman	14	2	20	34	2*
Manju Hussain	21	8	20	41	8
Somika	21	8	20	41	8
Jalesar	53	8	20	73	8

*Helper.

Workers who are paid monthly the following amount plus excess production bonus.

Name of worker.	Basic pay.	Dearness allowance.	Total amount.
	Rs. a.	Rs.	Rs. a.
Bratu	43 6	20	63 6
Kachandra ..	25 8	20	45 8
Nakul .. .	33 10	20	53 10
Rajendra . ..	27 2	20	47 2
Kartik ..	33 10	20	53 10
Parma	33 10	20	53 10
Birendranath	25 8	20	45 8
Biroz	25 8	20	45 8
Dhuri ..	25 8	20	45 8
Rozaki	25 8	20	45 8
Jagaram	25 8	20	45 8
Khudiram ..	25 8	20	45 8
Gour Chandra	25 8	20	45 8
Radhanath ..	21 8	20	41 8
Ganeshdass . ..	25 8	20	45 8
Sudhir .	21 8	20	41 8
Kewal . .	25 8	20	45 8
Bipen ..	21 8	20	41 8
Ramlakasman	21 8	20	41 8
Govinda .	21 8	20	41 8
Sailan . ..	25 8	20	45
Pashupati ..	25 8	20	45
Gopal	21 8	20	41
Dulal	25 8	20	45
Dwarika . ..	27 2	20	47
Ramratanram . ..	21 8	20	41
Govinda	21 8	20	41
Ramdas ..	21 8	20	41
Dowmarayan	21 8	20	41
Dharicharan ..	21 8	20	41
Dindass ..	21 8	20	41
Shribalak	21 8	20	41

Workers working on piece rate system.

Name.	Department.	Monthly earning with allowance
Subhal .	Cap Dyeing	Average Rs. 65 to Rs. 75.
Ramchabila	Ditto	Ditto ..
Ramnaresh	Ditto .	Ditto
		Anna 1 per gross.
Khagen	Bit making and cutting.	Rs. 70
Sudhir	Ditto	Rs. 72
		Anna 1 7½ p gross.
Kaman and 5 others jointly.	Notch-making	Rs. 650
		For six worker- Rate Re 1 p gross

By order of the Governor

D. S. P. MUKHERJEE,

Jt. Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 28th October 1948.

...ered No. C207

The Calcutta Gazette

Extraordinary

Published by Authority

FRIDAY, OCTOBER 29, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, &c.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

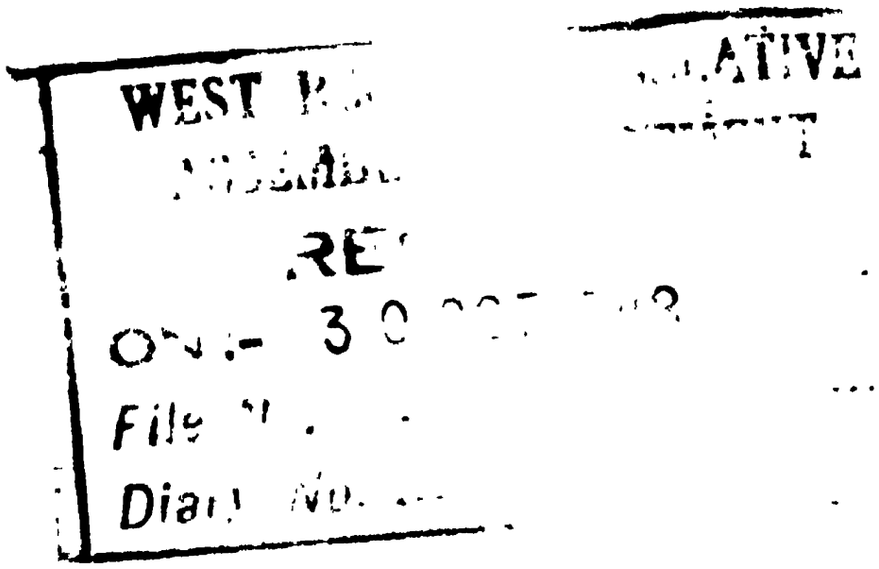
No. 20391D.C.S.—28th October 1948. In exercise of the powers conferred by sub-paragraph (*1*) of paragraph 3 read with clause (*b*) of sub-paragraph (2) of the said paragraph of the West Bengal Cement Control Act of 1948, the Governor is pleased to fix the price of cement imported by Messrs Asoka Marketing Co., Ltd., from Karachi by S.S. "Costantis" at the rate of Rs. 144 per ton ex-godown exclusive of sales tax payable under the Bengal Finance (Sales Tax) Act, 1941.

By order of the Governor,

M. SARKAR,

Dy. Secy. to the Govt. of West Bengal.

...ed and published by the Superintendent, Govt. Ptg., West Bengal, West Bengal Govt. Press, Alipore, on the 29th October 1948.


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The Calcutta Gazette



Extraordinary

Published by Authority

SATURDAY, OCTOBER 30, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

LOCAL SELF-GOVERNMENT DEPARTMENT.

NOTIFICATION.

No. L.S.-G.1E-77/48.—29th October 1948.—In exercise of the power conferred by sub-section (3) of section 56 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), the Governor is pleased to extend the term of office of the Commissioners of the Tollygunge Municipality in the district of the 24-Parganas till the 28th March 1949, the special circumstances in which it has been thought fit to extend the said term of office being that the last general election of the Commissioners of the said municipality having been held in the year 1943-44 the next general election was, under sub-section (3) of section 24 of the said Act, required to be held in the year 1947-48, but such general election was not held at that time as it would be of no use to do so in view of the fact that the four-year term of office of the present Commissioners of the said municipality, prescribed by clause (a) of sub-section (1) of section 56 of the said Act, which commenced on 28th March 1945, will not be completed until the 27th March 1949. Under the said sub-section (3) of section 24, therefore, the next general election cannot be held unless the term of office of the present Commissioners of the said municipality is extended beyond the 27th March 1949.

By order of the Governor,

S. K. GUPTA,

Secy. to the Govt. of West Bengal

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

No. 20438D.C.S.– 29th October 1948. In e cise of the powers conferred by sub-section (1 section 3 of the Essential Supplies (Tempor Powers) Act, 1946 (XXIV of 1946), read v clause (*d*) of sub-section (2) of that section notification No. 394, dated New Delhi, the 1 April 1947, of the Government of India, in Department of Industries and Supplies, Governor is pleased to make the following amen ment in the West Bengal Soft Coke Distribu Order, 1947, namely :—

Amendment.

For sub-paragraph (*3*) of paragraph 6 of the sai order, *substitute* the following sub-paragraph :—

"(*3*) A wholesale dealer or any person employe by him, or acting on his behalf, shall n sell, supply or transfer soft coke to an person other than another wholesal dealer or a retail dealer duly licens under paragraph 7, or a large consume duly licensed under paragraph 8.

Provided that the Director may, by a genera or special order, permit sale by an wholesale dealer to other consumers als in such quantities and subject to suc conditions as he may impose."

By order of the Governor,
R. S. KRISHNASWAMY
Secy. to the Govt. of West Bengal

WEST BE[illegible] LEGISLATIVE
ASSEM[illegible] DEPARTMENT
RE[illegible]D
ON :- 3 - [illegible] 1948
File No.....
Diary No.....

Printed and published by the Superintendent, Govt. Ptg., West Ben at West Bengal Govt. Press, Alipore, on the 30th October 1948

egistered No. C207

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THURSDAY, NOVEMBER 4, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

LABOUR DEPARTMENT.

ORDER.

No. 3951Lab.—2nd November 1948.—Whereas der the Government of West Bengal, Commerce, dbour and Industries Department, orders s. 1823Lab., dated the 3rd June 1948, and 20Lab., dated the 12th July 1948, as modified orders No. 2852Lab. and No. 2853Lab., both ted the 17th August 1948, respectively, the lustrial disputes between Sadhana Aushadhalaya, 5, Cornwallis Street, Calcutta, as well as its nches in West Bengal outside Calcutta and r employees represented by the Secretary, lhana Aushadhalaya Employees' Union, 118, rabazar Street, Calcutta, were referred for udication to Sri P. R. Mukherjee, Additional strict Judge;

And whereas the said Sri P. R. Mukherjee, ditional District Judge, has given the award as wn in the annexure hereto;

ow, therefore, in exercise of the powers con-ed by sub-section (2) of section 15 read with section (3) of section 19 of the Industrial putes Act, 1947 (XIV of 1947), the Governor leased to make the following order and to ct with reference to section 17 of the said Act the award be published in the *Calcutta ette*.

he award made by the said Sri P. R. Mukher-Additional District Judge, shall bind the pany and their workmen aforesaid as specified ein and shall remain in force for a period of year with effect from the date of publication is order in the *Calcutta Gazette*.

ANNEXURE.

In the matter of an industrial dispute between Sadhana Aushadhalaya, Head Office, 206, Cornwallis Street, Calcutta, and its Calcutta employees and in respect of its branches in West Bengal outside Calcutta and their employees, both represented by the Secretary, Sadhana Aushadhalaya Employees' Union, 118, Sova Bazar Street, Calcutta.

PRESENT:

SRI P. R. MUKHERJEE, *Chairman, Industrial Tribunal.*

For the Sadhana Aushadhalaya—Sri P. K. Sanyal, Pleader.

For the Union—Sri D. L. Sen, Pleader.

AWARD.

By Government of West Bengal orders No. 2852Lab. and No. 2853Lab., dated the 17th August 1948, the above dispute was referred to me for adjudication.

Brief history of the dispute.—Sadhana Aushadhalaya was started in the year 1914 and began manufacturing different kinds of Ayurvedic medicines and now it maintains good many selling establishments in different parts of Indian Dominion and Pakistan. It is a prosperous Company, according to the Union, and employs about 100 workmen in West Bengal including about 50 in the Calcutta Branches as Kaviraj, Shop-in-charge and Compounder. The employees formed a Union on 15th October 1947 and got it registered on 17th December 1947 and sent a Charter of Demands on 27th November 1947.

since when, according to the Union, the Company was following a policy of "pick and choose" to crush the Union and began to victimise the active workers of the Union by orders of discharge and transfer to different places. Details of the allegations will be discussed in the body of the award.

The Company submitted a written statement challenging many statements and the points urged are that the Tribunal has got no jurisdiction to decide the matter as the employees concerned are not "workmen" within the meaning of the Industrial Disputes Act. It is also alleged that this Company is paying much better pay and allowances than any other similar concern in Calcutta. Regarding orders of transfer, the Company urged that one of the "conditions of service" of the employees was that they would be liable to be transferred whenever exigencies so demanded. The Company stoutly denied the allegation that they had followed a policy of victimisation.

Issues.

1. Are any of the employees concerned "workmen" within the meaning of the Industrial Disputes Act?

2. Has the Tribunal jurisdiction to entertain the dispute?

3. Conditions of service-

(*a*) Permanency.
(*b*) Retrenchment.
(*c*) Transfer.
(*d*) Private practice.
(*e*) Date of payment of salary.
(*f*) Service card.

4. Minimum salary and grade.

5. Dearness allowance.

6. Working hours and overtime.

7. Housing and house allowance.

8. City allowance.

9. Medical aid.

10. Tiffin.

11. Leave and holidays.

12. Provident Fund and gratuity.

13. Bonus.

14. Reinstatement of Debendra Chandra Chakraborty, Amulya Ratan Bhattacherjee, Debendra Sastri, Amarendra Lal Das, Amrita Lal Ghosh, Satya Ranjan Pal.

15. Whether Suresh Chandra Deb Roy, Abani Mohan Acherjee, Khagendra Nath Roy and Priya Nath Ghosh have been subjects of any victimisation.

16. Recognition of the Union.

Issue Nos. 1 and 2.—Are any of the employees concerned "workmen" within the meaning of the Industrial Disputes Act and has the Tribunal jurisdiction to entertain the dispute?

It is urged that the employees concerned are not employed in any skilled or unskilled manual, nor in any clerical work as contemplated under the Industrial Disputes Act, 1947, and as such are not "workmen" within the meaning of the Act, and that in the circumstances, this Tribunal has no jurisdiction to adjudicate upon the alleged dispute between the parties hereto.

The definition "workmen" in the Industrial Disputes Act runs as follows: "Workman" means any person employed (including an apprentice) in any industry to do any skilled or unskilled manual, supervisory or clerical work for hire or reward, etc." Now clearly the definition is broad enough to include persons who are engaged in skilled or unskilled work or any clerical work. The employees who are Kavirajes and Compounders apparently are skilled workers and the man-in-charge is to do exclusive clerical work. So, in my opinion all the employees are certainly workmen within the meaning of the Act and as such the Tribunal has full jurisdiction to decide the matter.

Issue No. 3.—Conditions of service.

(*a*) *Permanency.*—The present rule is that an employee is made permanent after 6 months. The Union demanded that the period should be reduced to 3 months. The Aushadhalaya has to deal with patients and medicines, which is apparently a very responsible work. It is, therefore, necessary to watch a particular worker for some time and certainly regarding the time limit, the Company is the best person to judge. The existing rule, therefore, requires no revision.

(*b*) *Retrenchment.*—Regarding retrenchment the Aushadhalaya is to follow the observations made by the Engineering Tribunal at page 5 of the *Calcutta Gazette*, dated 3rd July 1947. The relevant portion runs as follows: "The employer has normally the right to discharge an employee and he may be frequently compelled to reduce his establishment but the Company is, however, directed to follow the principle of 'last come first go', subject of course to the question of efficiency to be decided by the employer. The Company is to give one month's notice or one month's salary in lieu thereof".

(*c*) *Transfer.*—It has always been a condition of service and it cannot but be so in view of the Aushadhalaya having its branches at various places, and naturally exigencies of service demands that transfer should be made as occasion arises. The Aushadhalaya, however, is to note that this right of transfer may not be abused in any way so as to cause apprehension in the mind of the employees that the dynamic workers of the Union have been primarily chosen for transfer to distant and inconvenient stations.

(*d*) *Private practice.*—The Union prayed that Kavirajes may be allowed private practice. It is one of the conditions of service that the Kavirajes should give whole-time attendance to the Aushadhalaya. Private practice had never been allowed in the past. I see no reason why a departure should be made. The ideal for which this institution stands is to popularise the Ayurvedic treatment. If private practice is allowed, Kavirajes may not be always available in the Aushadhalaya, and in consequence the Aushadhalaya as also the suffering public will be equally affected.

(*e*) *Date of payment of salary.*—A complaint was made that payment is not regularly made as the bills are sent for audit to Dacca and consequently much delay occurs in making payment. Recently due to postal irregularities in Pakistan delay is more frequent than before. The Management, of course, points out that the employees are at liberty to take advance pending final order of payment from Dacca. This is not denied. Whatever that may be, on hearing both parties it struck me that this prevailing system of payment is not at all satisfactory. The employees must get their full salary on the first day of the month. This may be by advance or by direct payment. If, however, on adjustment it is found that a particular employee has overdrawn, the same may be readjusted from his pay in the next month. I, therefore, direct that the Management should make payment on the first day of the month, if that be a holiday, on the next day. Uncertainty regarding the date of receipt of salary makes a worker discontented and less enthusiastic about work.

(f) *service card*.—Service card is kept in the ad Office and, whenever an employee wants, he given a copy of the service record. The prac- should continue.

Issue No. 4—Minimum salary and grade.

n Calcutta minimum salary paid is as ows:—

(a) Kaviraj—Rs. 40 per month.

(b) Compounder—Rs. 40 per month.

(c) Officer-in-charge—Rs. 30 per month and the in-charge allowance of Rs. 5 per month.

besides, each of them is paid Rs. 22 as dearness wance. Almost all of them are given free ommodation or house rent.

alary paid in motussil is as follows:—

Kaviraj—Rs. 30 per month.

In-charge officer—Rs. 30 per month and the in-charge allowance of Rs. 5 besides dearness allowance of Rs. 7 and accommodation. On looking to the Annexure C submitted by the Management, it is clear the Union demanded the following minimum wages:—

Kaviraj (Graduate) Rs. 75/5—100/8—150. Graduate means those who have passed and secured diplomas from Ayurvedic College.)

Asst—Rs. 65/4—85/5—125.

In-charge—Rs. 60/4—75/5—100

Compounder—Rs. 50/3—65/4—75.

On reading the Annexure C filed by the Com- and not challenged by the Union, it is clear the minimum pay of Sreemani Market ian of only one year's standing, is Rs. 57 ar as other Kavirajes in Calcutta are concern- hey are getting house accommodation or house ance over and above their pay. Looking at figure, I find that the Kaviraj in Burra Bazar getting Rs. 200 as pay in all. He has only put 1½ years' service. Similarly the Kaviraj in ollege Street who has put in 3 years' service is ving Rs. 92 as pay *plus* house rent allowance Rs. 32. On reading the annexure, it is clear the total minimum emolument of none of the akers in Calcutta is less than Rs. 52; over and ve this they have got house rent allowance of imum Rs. 5, and some of them have got ommodation which converted in money in the of Calcutta nowadays will not be less than Rs. 10, if not more.

Regarding pay of Kavirajes and other employees side Calcutta, it is clear that the pay of the Kavirajes *plus* house allowance or accommodation over Rs. 50, except in the case of the Kaviraj of Jalpaiguri who is getting only Rs. 30, and it is not known if any house rent or house allowance is granted to him. If not, either accommodation or house rent allowance of Rs. 10 should be given to him.

Regarding other classes of workers, the pay shows no revision except two, one of whom is getting pay below Rs. 30 (Jagadananda Dhar, Compounder, Suri) and another Monoranjan Chakravorty, Compounder, Midnapore, who is getting Rs. 30. There should be increment of pay Rs. 10 in the case of Jagadananda, and Rs. 5 in case of Monoranjan Chakravorty. Sri Naresh Chandra Ghosh, son of the proprietor, agreed to enhanced pay with effect from the month of Aswin and he said that he would implement it long before the award is communicated to him.

Regarding salaries of others, it requires no revision for financial stringency of the Aushadhalaya.

Issue No. 5—Dearness allowance.

In Calcutta, dearness allowance is paid at the flat rate of Rs. 22 plus accommodation, whereas in motussil, the minimum dearness allowance paid is Rs. 7 per month. Considering the total emoluments paid by way of salary as also dearness allowance and accommodation, it appears no doubt that the payments made in most cases are hardly satisfactory and are barely living wages.

The wage-structure, I must say, is not at all well planned. There is no grade system. Bonus and Provident Fund Scheme are unknown and the Aushadhalaya ought to have introduced these in the past when their financial position was much more bright. The Company instead of venturing and opening new centres outside Bengal and extending so many branches in Calcutta, could have thought of these poor workers. It is seen that many branches of Calcutta are losing concerns. The Management should consider if these branches can be closed with advantage. The Management cannot, therefore, be urged to make a substantial increase of the salary, etc., in view of the fact that they are facing a grave financial crisis. Due to creation of Pakistan, this Aushadhalaya is handicapped in importing medicines from Dacca where their factory is situated. Now 36 per cent. *ad valorem* duty on the price of medicines imported from Dacca to Indian Union is being charged and the railway freight has also increased by about 50 per cent. The Management has produced relevant papers and documents on the point. This additional charge will substantially hit the cost of production and it will be difficult to compete with the local markets. Under the circumstances, I am afraid it would not be prudent to improve the wage structure or introduce a grade system or to make a substantial enhancement of dearness allowance. This Aushadhalaya is an enterprising indigenous industry having as many as 15 branches in Calcutta and 13 branches in West Bengal, besides a good number of branches over other parts of India and Pakistan. The entire enterprise is due to the energy of Sri Jogesh Chandra Ghose, a retired Professor of Chemistry, and I am afraid of the stability of this indigenous industry which is promoting Ayurvedic system of medicines to the suffering humanity and popularising it at cheap cost throughout the length and breadth of the country, for any further increase in the wage structure is sure to give a death blow to this industry. I, however, hope that with the better days coming the Management should make revision of pay and wages and introduce well-planned grade system and other advantages in the form of bonus and Provident Fund Scheme.

The balance sheet shows very little profit and many of the branches are deficit areas, and the future of the Management is not very bright. If the Management cannot soon start a factory in West Bengal, it will be simply impossible to maintain its existence in the Dominion of India.

I wish I could order a well-planned grade system and bonus but that would hasten the death of this institution. The life of the award is only one year and by that time the Management may be able to solve its difficulty regarding location of the factory in West Bengal. So till then, I appeal to the workers to remain firm to their post. I am well conscious that these are after all sweet words which will not butter the bread of the workers. I am nevertheless sorry for the same for reasons already stated.

Issue No. 6—Working hours and overtime.

It is stated that working hour as fixed in the Shops and Establishments Act is not adhered to in the shops of the Management. One letter was produced before me. It shows that the shop—it being a medical concern—was ordered to be kept

open throughout the day and night. The Management, however, argued that they are strictly guided by the rules of the Bengal Shops and Establishments Act. I do not think any adjudication of the Tribunal is called for in view of the fact that the Bengal Shops and Establishments Act has made ample safeguards for any violation of the fixed rules regarding working hours by imposing sufficient penalty.

Issue Nos. 7 and 8—Housing and house allowance and city allowance.

These issues have already been dealt with previously.

Issue No. 9—Medical aid.

The Aushadhalaya provides free medical advice to all its employees and medicines are also given at concessional rates. No further facility can be directed under the present financial position of the Company.

Issue No. 10—Tiffin.

The prayer is rejected.

Issue No. 11—Leave and holidays.

The Management allows 30 days' privilege leave on full pay. This is quite sufficient.

Issue Nos. 12 and 13—Provident Fund and gratuity and bonus.

Claims rejected in view of the financial position of the Company. The Management has been directed to take up these schemes in future.

Issue No. 15—Cases of transfer of 4 employees—Suresh Chandra Deb Roy and others.

These workers complained that they had been transferred to inconvenient places by the Company for their Union activities. No case has been established before me that any of these workers is a prominent worker of the Union. The Management proves and I am satisfied that one of the conditions of service in this Management, which has good many branches over Indian Union and Pakistan, is transferability. The very fact that this concern has so many branches implies that as occasion arises the employees are to be transferred from one place to another. This is quite natural and the Tribunal cannot interfere in these matters of day-to-day administration. It will be interfering with the general working of the institution if such administrative matters are interfered with by the Tribunals. In any case, no case of victimisation is established.

Issue No. 14—Reinstatement of discharged worke Amarendra Lal Das, Debendra Sastri, Debend Ch. Chakravorty and Satya Kinkar Pal.

Detailed statement is made by the Manageme regarding circumstances that led to the dismis of these workers. I need not state these facts I am not going to adjudicate on the allegations all these workers are being criminally prosecut for various offences under sections 408, 477 Indian Penal Code and 420, Indian Penal Code, the court of the Subdivisional Officer, Dacca, the complaint by the Company. The matter *sub-judice* and *prima-facie* the Company can retain these workers in service when the defin allegation is grave dishonesty on the part of employees.

Amulya Ratan Bhattacherjee.—In Sraban 1 B.S. this employee defalcated the Aushadhala fund to the extent of Rs. 210-3 which he confess in his own writing and was shown to me. T Aushadhalaya again found him guilty of the sa offence and I cannot blame the Management if th dispensed with the services of such a person

Amrita Lal Ghosh.—He was taken as a prac tioner for only a period of 6 months and fou unfit and inefficient to hold the office of a p manent Kaviraj. Free hand should be given this matter to the Management, but to sit on jud ment over the decision of the Management by outside body like Tribunal would be injudicio Prayer for reinstatement is rejected.

Issue No. 16—Recognition of the Union.

As the Labour Court is soon going to func I decline to make any decision on this issue

The Award will be in force for one year and w come into force on such date as may be notified the Government.

P. R. MUKHERJI.
Chairman.
Industrial Tribunal

The 6th October 1948.

By order of the Governo
D. S. P. MUKHERJEE.
Jt. Secy. to the Govt. of West Beng

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 4th November 1948.

WEST BENGAL LEGISLATIVE
ASSEMBLY DEPARTMENT
RECEIVED
ON 6 NOV 1948

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Published by Authority

THURSDAY, NOVEMBER 4, 1948

[I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES

ORDERS.

No. 20603D.C.S.—3rd November 1948.—In exercise of the powers conferred by sub-section (1) of section 12 of the West Bengal Black Marketing Act, 1948 (West Bengal Act XXXII of 1948), the Governor is pleased to allot the undermentioned case for trial by the Special Tribunal, Calcutta, constituted under notification No. 257D.C.S., dated the 25th October 1948:—

Bowbazar P. S. Case No. 695, dated the 15th July 1948.

King

versus

(1) Sk. Samser of 12, Lower Chitpur Road, Territy Bazar,

(2) Sajjad Karim, of 12, Lower Chitpur Road, Territy Bazar, and

(3) Sk. Sulaiman, of 12, Lower Chitpur Road, Territy Bazar,

charged under section 3 of the said Act read with sections 109 and 474 of the Indian Penal Code (Act XLV of 1860).

No. 20605D.C.S.—3rd November 1948. In exercise of the powers conferred by sub-section of section 12 of the West Bengal Black Market Act, 1948 (West Bengal Act XXXII of 1948), Governor is pleased to allot the undermentio case for trial by the Special Tribunal, Alipore, stituted under notification No. 20257D C S , d the 25th October 1948:—

Section F, Case No. 297, dated the 26th April 19

King

versus

(1) Rajendra Kumar Bhowmik, and

(2) Umesh Chandra Pal,

under section 3 of the said Act read with sub-s tion (1) of section 7 of the Essential Supp (Temporary Powers) Act, 1946 (XXIV of 1946)

No. 20607D.C.S.—3rd November 1948.—In exercise of the powers conferred by sub-section of section 12 of the West Bengal Black Market Act, 1948 (West Bengal Act XXXII of 1948) Governor is pleased to allot the undermentio case for trial by the Special Tribunal, Alipo constituted under notification No. 20257D C dated the 25th October 1948:—

Jorabagan P. S. Case No. 259, dated the 23r April 1948.

King

versus

(1) Durgaprosad Kanoria, son of late Pr Sukhdas Kanoria,

(2) Purusottamdas Kanoria, son of Dur prosad Kanoria,

(3) Kishorilal Chowhan, son of Cuttor Chowhan, and

(4) Biharilal Khandelwal, son of late Ra Chand Khandelwal,

under section 3 of the said Act read with sub-se tion (1) of section 7 of the Essential Supplie (Temporary Powers) Act, 1946 (XXIV of 1946

By order of the Governor,

R. S. KRISHNASWAMY,

Secy. to the Govt. of West Beng

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

IE WEST BENGAL CLOTH RATIONING ORDER, 1948.

No 20677D.C.S. 5th November 1948.—In exercise of the powers conferred by sub-section (1) section 3 of the Essential Supplies (Temporary owers) Act, 1946 (XXIV of 1946), read with auses (c), (d), (e), (f), (h), (i) and (j) of sub-ection (2) of that section and with the notifica-on No 73/1-TA/46, dated the 28th December 946, of the Government of India in the Depart-ent of Industries and Supplies, the Governor is leased to make the following Order:—

Short title, extent and commencement.

1. (1) This Order may be called the West engal Cloth Rationing Order, 1948.

(2) It extends to the whole of West Bengal.

(3) It shall come into force in such areas and at such dates as the Provincial Government may, by notification in the *Official Gazette*, direct.

Definitions.

2. In this Order, unless there is anything repugnant in the subject or context,—

(1) "appointed cloth retailer" means a person appointed to be cloth retailer under the provisions of paragraph 3;

(2) "appointed retailer" has the same meaning as in the Bengal Rationing Order, 1943;

(3) "cloth" has the same meaning as in the West Bengal Cotton Cloth and Yarn Control Order, 1948, but does not include cloth manufactured by handloom;

(4) "Director" means the Director of Rationing and Distribution, Department of Civil Supplies, West Bengal, appointed by the Provincial Government and includes the Controller of Rationing, Department of Civil Supplies, West Bengal, appointed by the Provincial Government;

(5) "prescribed" means prescribed by regulations made under this Order;

(6) "ration document" means a cloth ration card as forming part of a ration card issued under the Bengal Rationing Order, 1943, a permit, or any part of such cloth ration card, or any coupon on such cloth ration card, or any declaration, authority or other document issued or made under or in pursuance of the provisions of this Order;

(7) "rationed area" means in relation to any rationed cloth the area in respect of which that cloth has been specified to be a rationed cloth under clause (8);

(8) "rationed cloth" means any cloth which the Provincial Government may by notification in the *Official Gazette* in respect of any area specify to be a rationed cloth;

(9) "rationing date" means in relation to any rationed cloth such date as may be fixed by the Provincial Government in respect of any area for the commencement of rationing of that cloth in that area.

Authority to cloth retailers to supply rationed cloth in rationed areas.

3. (1) With a view to controlling the distribution of rationed cloth, the Director may by order in writing appoint in respect of any rationed area any person to be a cloth retailer in respect of rationed cloth for the purposes of this Order and thereupon such person shall be entitled to supply rationed cloth within such rationed area in accordance with the provisions of this Order and any regulations made thereunder.

(2) The Director may, at any time, amend, vary or revoke any appointment made under this paragraph whether any application in this behalf has been made by the holder of the appointment or not and without assigning any reason and in every such case the holder of the appointment shall be bound to surrender on demand to the Director or to any officer authorised in writing in this behalf by the Director the order of appointment for endorsement or cancellation, as the case may be.

Prohibition of supply of rationed cloth by persons other than appointed cloth retailers.

4. Except as otherwise provided by or under this Order no person other than an appointed cloth retailer shall on or after the rationing date supply or offer or attempt to supply or offer any rationed cloth to any person in any rationed area in which such cloth is rationed.

Supply by appointed cloth retailers.

5. Except as otherwise provided in this Order, no appointed cloth retailer shall on or after the rationing date supply or offer or attempt to supply or offer or knowingly permit to be supplied by any agent or servant of such retailer any rationed cloth,—

(a) except against a ration document,

(b) in excess of the quantity available on the ration document or the coupons thereon, and

(c) except under and in accordance with the provisions made by or under this Order.

Prohibition of obtaining rationed cloth in a rationed area otherwise than on ration documents.

6. Except as otherwise provided in this Order no person shall on or after the rationing date obtain or attempt to obtain any rationed cloth,—

(a) except by means of a ration document, available for lawful use and lawfully used,

(b) in excess of the quantity available on the ration document or the coupons thereon, and

(c) except under and in accordance with the provisions of this Order.

Explanation.—A "ration document" shall not be deemed to be lawfully used unless—

(a) it is used by or on behalf of the person in whose favour it is issued, and

(b) the person by or on whose behalf it is used is at the time of its use a resident of the rationed area.

Exceptions.

7. The provisions of paragraphs 4 and 6 not apply to distribution by any person other an appointed cloth retailer of any rationed lawfully obtained by such person on a document—

(a) to members of the same household, o

(b) to any other person either without ment of price of such rationed cl in exchange for any other rationed

Power to issue ration documents.

8. (1) The Director may, with a view to trolling the distribution and supply of rat cloth, issue or cause to be issued to a pers class of persons or to the public generally a document for the purpose of rationing of cloth.

(2) Every ration document under this shall be issued in the prescribed manner and to such persons and shall be subject to such and conditions as may be prescribed and a te for every such document shall be given in prescribed manner by the person to whom issued.

(3) The Director or any officer authorise writing in this behalf by the Director in re or any rationed area may, at any time, add amend, vary or rescind any ration docum whether any application in this behalf is made the person to whom such document is issued not and without assigning any reason and every such case the holder of the ration docum shall be bound to surrender the same on dem to the Director or such officer for endorsement cancellation, as the case may be.

Prohibition of transfer of ration documents

9. No person shall transfer to any other per any ration document issued in respect of hims under the provisions of this Order.

Ration documents to remain the property Provincial Government.

10. Every ration document issued under th Order shall be the property of the Provinci Government but the person to whom it is issue or surrendered or with whom it is retained und the provisions of this Order or of any regulation made thereunder shall be entitled to its custod and shall be responsible for its safe custody

Replacement of defaced, lost or destroyed ratio documents.

11. (1) If any ration document is defaced los or destroyed, the Director or such officer as ma be authorised in writing by the Director in thi behalf may, after such inquiry as he may think fit, issue a new ration document in place ther on payment of a fee of two annas.

(2) Where a new ration documer is issued und sub-paragraph (1) in place of a lost ration do ment, the person to whom the new ration do ment has been issued, if he subsequently finds t lost ration document, shall return the lost rati document forthwith to the officer by whom t new ration document has been issued.

Return of ration documents by person in unauthorised possession thereof.

12. Where any person is in possession of a ration document, and such possession is not authorised by or under this Order, he shall forthwith deliver the same to the officer in charge of the nearest rationing office.

Cancellation of ration documents.

13. Where any ration coupon or other ration document is required to be cancelled under or for the purposes of this Order it shall be cancelled by the competent authority in ink (whether by means of a dye or stamp or otherwise), or where the ration coupon is a detachable part of a ration document, either by any of the methods described above or by detaching that part from such ration document, and where it is not possible to cancel it in any of these methods, it shall be cancelled by the competent authority in such manner as the said authority considers suitable and every ration coupon or other ration document shall upon such cancellation cease to be available for lawful use.

Power to make regulations.

14. (*1*) The Provincial Government may by notification in the *Official Gazette* make regulations for the purpose of giving effect to the provisions of this Order.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for—

(*a*) the manner in which and the conditions subject to which, any ration cloth may be supplied or obtained, and in particular for—

(*i*) the kind of ration document which shall be issued in any particular case or class of cases;

(*ii*) the manner in which any ration document may be used for supplying or obtaining or keeping or otherwise dealing with any rationed cloth;

(*iii*) the period for which any ration document or part thereof shall be valid;

(*iv*) the number of yards of rationed cloth to be allotted to any person, class of persons or to the public generally during a particular period;

(*v*) the quantity which a ration coupon shall from time to time represent in relation to rationed cloth;

(*vi*) the conditions subject to which an appointed cloth retailer may obtain his supply of rationed cloth;

(*vii*) the conditions subject to which the supply or distribution of any rationed cloth may be authorised otherwise than by means of a ration document; and

(*viii*) any other matter connected with the distribution of any rationed cloth in any rationed area;

(*b*) the manner and the forms in which, and the persons to whom and the terms and conditions subject to which, ration documents shall be issued and the manner in which receipts in respect of ration documents are to be given.

Contravention of a regulation deemed to be a contravention of this Order.

15. For the purposes of sections 7 and 8 of the Essential Supplies (Temporary Powers) Act, 1946, any contravention of any regulation made under paragraph 14 of this Order shall be deemed to be a contravention of this Order.

Power to authorise supply and distribution of rationed cloth otherwise than by means of ration documents.

16. Notwithstanding any other provisions of this Order, the Director may, subject to such conditions as may be prescribed, authorise the supply or distribution of any rationed cloth otherwise than on a ration document.

Power of Provincial Government to exempt.

17. The Provincial Government may by general or special order exempt any person or class of persons from the operation of all or any of the provisions of this Order and may at any time in like manner suspend or cancel any such exemption.

Power to enter and search premises and to require information, accounts, etc.

18. Any person authorised by the Provincial Government in this behalf may, for the purpose of securing compliance with the provisions of this Order or of any regulations made thereunder—

(*a*) enter and search any premises used or believed to be used for the sale, distribution or storage for sale or distribution of any rationed cloth and inspect any rationed cloth therein or thereon;

(*b*) seize any rationed cloth or any ration document or any other document relating to the purchase, sale, distribution or storage of any rationed cloth, in respect of which he suspects that a contravention of this Order or any Regulation made thereunder has been is being, or about to be committed;

(*c*) require any person to make any statement or furnish any information or to produce any document or article in his possession or under his control relating to the purchase, sale, distribution or storage of any rationed cloth and every person so required shall comply with such requisition;

(*d*) require any person to render any account or to produce books, accounts or other documents relating to, or believed to be relating to, the purchase, sale, distribution or storage of any rationed cloth and every person so required shall comply with such requisition;

(*e*) take or cause to be taken extracts from or copies of any document relating to the purchase, sale, distribution or storage of any rationed cloth which is produced under clause (*c*) or clause (*d*) or otherwise found in any such premises.

By order of the Governor,
R. S. KRISHNASWAMY,
Secy. to the Govt. of West Bengal.

ORDER.

No. 20814D.C.S.—5th November 1948.—In exercise of the powers conferred by sub-section (*1*) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) read with clauses (*d*) and (*f*) of sub-section 2 of that section, and with the Government of India, Department of Food, notification No. Py. 603(2)/1, dated 21 October 1946, as subsequently amended, the Governor is pleased to make with the concurrence of the Central Government in the notifications mentioned in column 1 of the table below, the amendment specified in column 2 of that table respectively against each such notification:—

Table.

1 Notification.	2 Amendment.
1. Notification No. 294F.G., dated the 15th January 1941, as subsequently amended.	In the Schedule appended to the notification after item (5) *add* the following item, namely:— "(6) Gram and its products,";
2. Notification No. 14048D.C.S., dated the 26th November 1945, as subsequently amended.	In the first Schedule appended to the Bengal Foodgrains Control Order, 1945, published under the notification after item (3) *add* the following item, namely:— "(4) Gram, any variety,";
3. Notification No. 20726D.C.S., dated the 25th November 1947.	In the Schedule appended to the West Bengal Foodgrains (Movement) Control Order, 1947, published under the notification after item (7) *add* the following item:— "(8) Gram,";
4. Notification No. 10346D.C.S., dated the 8th July 1947, as subsequently amended.	In the notification after item "1" add the following item, namely: "2. Gram and its products."

By order of the Governor,

R. S. KRISHNASWAMY

Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 6th November 1948.

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The Calcutta Gazette

Extraordinary

Published by Authority

SATURDAY, NOVEMBER 6, 1948

Part I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

NOTIFICATION.

No. 1011Pr.—6th November 1948. In exercise of the power conferred by section 19 of the Indian Press (Emergency Powers) Act, 1931 (XXIII of 1931), the Governor is pleased to declare all copies, wherever found, of the pictorial leaflet in Bengali entitled "Panerai August Satchallis" (15th August 1947 ar August Atchallis" (15th August 1948), beginning with the words "Bachharer Sanchay" and ending with "Ichha Gathaner Janye", purported to be issued by the W.B.C.P.I. and all other documents containing copies, reprints or translations of, or extracts from the said leaflet to be forfeited to His Majesty, on the ground that the said leaflet contains matter of the nature described in clauses (c) and (d) of sub-section (1) of section 4 of the said Act.

By order of the Governor,

P. C. ACHARJI,

Dy. Secy. to the Govt. of West Bengal

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

No. 9837D.C.S.—6th November 1948. In exercise of the power conferred by the first proviso to clause 11 of the West Bengal Cotton Cloth (Control Order, 1948, the Governor is pleased to fix the following scales of fees for licenses to be issued on renewal of the existing temporary licenses or tokens for the period up to the 31st March 1949:—

Schedule I.

Group.	Fee. Rs.
Group "B"	100
Group "C"	50
Group "D1" *	30
Group "D2" †	20
Group "E"	5

*For rationed varieties

†For non-rationed varieties

By order of the Governor,

R. S. KRISHNASWAMY,

Secy. to the Govt. of West Bengal.

NOTIFICATION.

No. 20817D.C.S.—6th November 1948.—In exercise of the powers conferred by sub-section (1) of section 3 of the West Bengal Cement Control Act, 1948 (West Bengal Act XXVI of 1948), read with clause (c) of sub-section (2) of that section, the Governor is pleased to make the following Order, namely:—

ORDER.

1. No consignment of cement or any part thereof arriving in any of the railway or steamer

...tions in Calcutta or Industrial Area shall be ...livered to the consignee or to anybody else ...less such delivery is authorised by an endorse...ent in writing to this effect made by the Direc...r of Consumer Goods, Department of Civil Supplies, Government of West Bengal, or any officer empowered by him in this behalf, on the relevant railway or steamer receipt under which such consignment or part thereof is deliverable:

Provided that nothing in this Order shall apply to the delivery of any consignment of cement which is booked under a Military Credit Note or to an officer of the Defence Services by designation.

2. No railway or steamer receipt in respect of any consignment of cement or part thereof arriving at any of the railway or steamer stations in Calcutta or Industrial Area shall be transferred by sale or otherwise to any person unless the Director of Consumer Goods, Department of Civil Supplies, Government of West Bengal, has specially permitted such transfer by an order in writing.

3. *Explanation.*—In this Order—

(*1*) "Calcutta" means the town of Calcutta defined in section 3 of the Calcutta P... Act, 1866, together with the ...urb Calcutta as defined by notification u... section 1 of the Calcutta Suburban P... Act, 1866;

(*2*) "Consignee" includes the Director of ...sumer Goods, Department of ... Supplies, Government of West Ben... or an officer of the Government to w... any quantity of cement may have ... consigned; and

(*3*) "Industrial Area" means the Sadar ... Barrackpore subdivisions of the dis... of the 24-Parganas, the Sadar subdiv... of the district of Howrah and the S... and Serampore subdivisions of the ... trict of Hooghly.

By order of the Governo...
R. S. KRISHNASWAM...
Secy. to the Govt. of West Ben...

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 6th November 1948.

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The Calcutta Gazette

Extraordinary

Published by Authority

MONDAY, NOVEMBER 8, 1948

17.11.48

ART I—Orders and Notifications by the Governor of est Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

No. 20852D.C.S.—8th November 1948.—In ercise of the powers conferred by sub-section of section 3 read with clause (*b*) of sub-section of the said section of the West Bengal Cement ntrol Act of 1948, the Governor is pleased to the price of Portland Cement imported by Messrs. lo Foreign Trading Company from London by "Markhar" at the rate of Rs. 154-4 per ton godown exclusive of sales tax payable under the gal Finance (Sales Tax) Act, 1941.

By order of the Governor,

R. S. KRISHNASWAMY,

Secy. to the Govt. of West Bengal.

and published by the Superintendent, Govt. Ptg., West Bengal, Bengal Govt. Press, Alipore, on the 8th November 1948.

DEPARTMENT OF CIVIL SUPPLIES.

ORDERS.

WEST BENGAL LEGISLATIVE
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Diary No. .....

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WEST BENGAL LEGISLATIVE DEPARTMENT

The Calcutta Gazette

Extraordinary

Published by Authority

THURSDAY, NOVEMBER 11, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDERS.

No. 20998D.C.S.—11th November 1948 In exercise of the power conferred by sub-section (1) of section 3 of the West Bengal Cement Control Act, 1948 (West Bengal Act XXVI of 1948), read with clause (*b*) of sub-section (2) of that section, the Governor is pleased to make the following amendment in the order published with notification No. 10333D.C.S., dated the 18th August 1948, at pages 683-686 of Part I of the *Calcutta Gazette Extraordinary*, of the 19th August 1948, namely:—

Amendment.

For paragraph 4 of the said order, *substitute* the following paragraph:—

"4. No person shall sell cement at a price higher than the notified price.

Explanation.—In this paragraph the expression 'notified price' means the price notified to a licensed seller by the Director of Consumer Goods, West Bengal, in Calcutta and elsewhere by the District Controller of Civil Supplies with the approval of Provincial Government. The price may be notified by post or by publication in the press or by the written orders issued under paragraphs 2 and 3 of this order."

No. 20999D.C.S.—11th November 1948.—In exercise of the powers conferred by clause (*b*) of sub-paragraph (2) of paragraph 3 of the West Bengal Cement Control Act of 1948 (West Bengal Act XXVI of 1948), the Governor is pleased to fix the prices at which cement may be sold *ex*-godown at different stations as detailed below:—

	Per ton. Rs. a.
Burdwan district.	
Asansol	93 11
Raniganje	93 11
Barakar	92 7
Sitarampur	93 1
Kulti	92 7
Ondal	92 7
Pandabeswa	92 7
Kajragaun	92 7
Uklash	92 7
Katwa	92 9
Kalna	95 1
Burdwan	93 1
Bankura district.	
Bishnupur	94 15
Bankura	93 1
Jantipahari	92 1
Hooghly district.	
Serampore	94 5
Hooghly	94 5
Champadanga (*via* Howrah-Amta Railway)	98 1

Birbhum district.

	Per ton. Rs.	a.
Dubrajpur ...	98	1
Ahmedpur ...	95	9
Rampurhat ...	93	15
Labpur ...	95	9
Munshi ...	93	15
Kirnahar ...	95	9
Suri ...	98	1
Bolpur ...	97	12
Saithia ...	95	9

Midnapore district.

Contai ...	119	9
Balighai ...	105	9
Jhargram ...	93	1
Garbata ...	93	1
Belda ...	93	1
Midnapore ...	93	9
Kharagpur ...	93	5
Ghatal (*via* Kolaghat) ...	103	0
Dud Kumra (*via* Kolaghat) ...	100	10
Tamluk (*via* Kolaghat) ...	104	13
Goakhali ...	104	13
Kolaghat ...	97	5

Murshidabad district.

	Per ton. Rs.	a.
Kandi ...	107	9
Salar ...	95	9
Azimgunj ...	97	1
Jiagunj ...	97	1
Raghunathgunj ...	95	10
Dhulian ...	97	5
Bazarsahu ...	97	10
Chowribasar ...	97	10
Berhampur ...	103	1
Cossimbazar ...	103	3

These rates apply to sales in full bags of 1 cwt each. For sales in quantities less than 1 cwt an additional amount at the rate of Rs. 3-8 per ton may be charged. The rates are exclusive of the sales tax payable under the Bengal Finance (Sales Tax) Act, 1941.

By order of the Governor,

R. S. KRISHNASWAMY,
Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 11th November 1948.

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SATURDAY, NOVEMBER 13, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

ORDER.

No. 1019Pr.—13th November 1948.—In exercise of the power conferred by clause (*b*) of sub-section (1) of section 9 of the West Bengal Security Act, 1948 (West Bengal Act III of 1948), the Governor is pleased to prohibit the making and publishing in West Bengal of the statement made by Nathuram Godse in the Special Court trying him and others in connection with the assassination of Mahatma Gandhi.

By order of the Governor,

R. GUPTA,

Secy. to the Govt. of West Bengal.

ted and published by the Superintendent, Govt. Ptg., West Bengal, West Bengal Govt. Press, Alipore, on the 13th November 1948.

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The Calcutta Gazette

Extraordinary

Published by Authority

TUESDAY, NOVEMBER 16, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Constitution and Elections.

NOTIFICATION.

No. 1688A.R.—15th November 1948.—The following notification by the Secretary to the Governor of West Bengal is hereby published for general information :—

"Notification No. 6586S., dated the 12th November 1948.—In His Majesty's name, His Excellency the Governor General has assented to the West Bengal Premises Rent Control (Temporary Provisions) Bill, 1948.

S. K. MUKHARJI,
Secretary to the Governor".

By order of the Governor,
M. M. BASU,
Dy. Secy. to the Govt. of West Bengal.

nted and published by the Superintendent, Govt. Ptg., West Bengal West Bengal Govt. Press, Alipore, on the 16th November 1948.

Registered No. C207

WEST BENGAL LEGISLATIVE
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Diary No ....

The Calcutta Gazette

Extraordinary

Published by Authority

TUESDAY, NOVEMBER 16, 1948

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

NOTIFICATION.

No. 1936L.—15th November, 1948.—The following Act of the West Bengal Legislature, having been assented to in His Majesty's name by the Governor General, is hereby published for general information :—

West Bengal Act XXXVIII of 1948

THE WEST BENGAL PREMISES RENT CONTROL (TEMPORARY PROVISIONS) ACT, 1948.

CONTENTS.

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Section.

1. Short title, commencement extent and duration
2. Definitions.

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3. Restriction on the increase of rents.
4. Premium, *salami* or fine not to be claimed, received or asked for or advance of more than one month's rent not to be claimed or received.
5. Exception in the case of long leases for purposes of development.
6. Restriction on the sale of furniture in any premises let to a tenant.
7. Refund of rent, premium *salami*, etc., not recoverable under the Act.
8. Grant of certificate of standard rent by the Controller.
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10. Date on which standard rent fixed by the Controller takes effect.

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Chapter IV—Deposit of rent.

Section.
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20. Penalty for giving incorrect name or address of the landlord.
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23. Revision of fair rate and number of lodgers.
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30. Notice to landlords and tenants before exercising powers under the Act.
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42. Tenant may get supply of electricity to the premises without the permission of the landlord.
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45. Repeal and saving.
46. Bar of proceedings.
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The Schedule.

Part A.
Part B.

West Bengal Act XXXVIII of 1948

THE WEST BENGAL PREMISES RENT CONTROL (TEMPORARY PROVISIONS) ACT, 1948.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor General was first published in the *Calcutta Gazette, Extraordinary*, of the 16th November, 1948.]

An Act to make better provision for the control of rents of premises in Calcutta and in certain other areas in West Bengal

WHEREAS it is expedient to make better provision for the control of rents of premises in Calcutta and in certain other areas in West Bengal;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, commencement, extent and duration.

1. (*1*) This Act may be called the West Bengal Premises Rent Control (Temporary Provisions) Act, 1948.

(*2*) It shall come into force on such date as the Provincial Government may, by notification, appoint.

(*3*) It extends to the whole of Calcutta and to all areas which have been or may hereafter be constituted municipalities under the provisions of the Bengal Municipal Act, 1932: Ben. Act XV of 1932.

Provided that the Provincial Government may, by notification, extend this Act or any specified part thereof to any other area specified in the notification if the Provincial Government is satisfied that the area contains a number of inhabitants not less than the number required under clause (*i*) of the proviso to sub-section (*1*) of section 6 of the Bengal Municipal Act, 1932, for the area to be declared a municipality and that three-fourths of the adult male population of the area are chiefly employed in pursuits other than agriculture:

Provided further that the Provincial Government may, by notification, direct that this Act or any specified part thereof shall not apply to any such area or to any such class of premises as may be specified in such notification and if any question arises as to whether, or not, any premises come within such area or class, the decision of the Provincial Government thereon shall be final.

(*4*) It shall, in the first instance, remain in force up to the 31st day of March, 1950, but if, and so often as, a resolution approving its continuance for any further period is passed by the Provincial Legislature, it shall continue in force for such further period, so, however, that it shall not, in any case, continue in force after the 31st day of March, 1953:

Provided that the expiration of this Act shall not render recoverable any sum which during the continuance thereof was irrecoverable or affect the right of a tenant to recover any sum which during the continuance of this Act was recoverable by him thereunder.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Calcutta" has the same meaning as in clause (*11*) of section 3 of the Calcutta Municipal Act, 1923; Ben. Act III of 1923.

(*2*) "Controller" means a Controller appointed under sub-section (*1*) of section 28 and includes an Additional Controller and a Deputy Controller appointed under sub-section (*2*) of that section;

(*3*) "hotel or lodging house" means an establishment where lodging with or without board or other service is provided for a monetary consideration;

(*4*) "landlord" means any person who for the time being is receiving, or is entitled to receive, the rent of any premises whether on his own account or on account, or on behalf, or for the benefit, of any other person, or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent if the premises were let to a tenant and includes a legal representative, as defined in the Code of Civil Procedure, 1908, of the landlord; Act V of 1908.

(*5*) "manager of a hotel" includes any person in charge of the management of a hotel;

(*6*) "notification" means a notification published in the *Official Gazette;*

(7) "owner of a lodging house" includes any person who receives, or is entitled to receive, whether on his own account, or on account, or on behalf, or for the benefit of himself and others, or as an agent, trustee, guardian or receiver for any other person, any monetary consideration from any person on account of board or lodging or other service;

(8) "premises" means any building or part of a building or any hut or part of a hut let separately and includes—

(*a*) the gardens, grounds and out-houses (if any) appertaining to such building or part of a building or hut or part of a hut,

(*b*) any furniture supplied or any fittings affixed by the landlord for use in such building or part of a building or hut or part of a hut,

but does not include a room or part of a room or other accommodation in a hotel or lodging house or a stall in a municipal market as defined in clause (*44*) of section 3 of the Calcutta Municipal Act, 1923, or in any other market maintained by or belonging to a local authority or a stall let at variable rents at different seasons of the year for the retail sale of goods in any other market as defined in clause (*39*) of section 3 of the Calcutta Municipal Act, 1923, or clause (*30*) of section 3 of the Bengal Municipal Act, 1932; Ben. Act XV of 1932.

Ben. Act III of 1923.

(9) "prescribed" means prescribed by rules made under this Act;

(10) "standard rent" in relation to any premises means—

(*a*) where the rent of any premises has been fixed under section 9, the rent so fixed;

(*b*) where the rent has not been so fixed, the standard rent determined in accordance with the provisions of the Schedule;

(11) "tenant" means any person by whom, or on whose account, rent is, or but for a special contract would be, payable for any premises and includes a legal representative, as defined in the Code of Civil Procedure, 1908, of the tenant and a person continuing in possession after the termination of a tenancy in his favour.

Act V of 1908.

CHAPTER II.

PROVISIONS REGARDING RENT AND *salami*.

Restriction on the increase of rents.

3. (*1*) Subject to the provisions of this Act, where the rent of any premises has been or is hereafter during the continuance of this Act, increased so as to exceed the standard rent, the amount of such excess shall, notwithstanding any agreement to the contrary, be irrecoverable:

Provided that nothing in this sub-section shall apply to any periodical increment of rent accrued due under any written agreement entered into before the first day of December, 1941.

(*2*) For the purposes of sub-section (*1*), the rent shall be deemed to have accrued from day to day.

Premium, *salami* or fine not to be claimed, received or asked for or advance of more than one month's rent not to be claimed or received.

4. No person shall, in consideration of the grant, renewal or continuance of a tenancy of any premises,—

(*a*) claim, receive, or invite offers or ask for the payment of, any premium, *salami*, fine or any other like imposition in addition to the rent, or

(*b*) except with the previous written consent of the Controller, claim or receive the payment of any sum exceeding one month's rent of such premises as rent in advance.

Exception in the case of long leases for purposes of development.

5. Notwithstanding anything contained in section 4, a landlord may receive a premium or *salami* or other like sum in addition to the rent in respect of any premises which are let on a lease for a period of not less than twenty years for the purposes of development by the lessee either by building or rebuilding if the period limited by the lease is not

The West Bengal Premises Rent Control (Temporary Provisions) Act, 1948.

(Chapter II.—Provisions regarding rent and salami.—*Sections 6—9.)*

expressed to be terminable at the option either of the landlord or of the tenant at any time within a period of five years from the date of commencement of the period so limited:

Provided that the rent payable for the premises during the continuance of this Act shall not exceed the standard rent.

Restriction on the sale of furniture in any premises let to a tenant.

6. (*1*) No person shall make the purchase of any furniture in any premises a condition of the grant, renewal or continuance of a tenancy of such premises and no person shall sell the furniture in any premises of which he is the landlord to the tenant of such premises or to any person to whom the premises are afterwards let except under a permit in the prescribed form from the Controller.

(*2*) No landlord shall be entitled to recover as the price of any furniture in any premises on sale of such furniture to the tenant of such premises or to any person to whom the premises are afterwards let, any sum in excess of the market-value of such furniture; and the Controller may, on application made to him by any person interested and on payment of the prescribed fee, determine the market-value of such furniture recoverable under this sub-section.

Refund of rent, premium, *salami*, etc., not recoverable under the Act.

7. (*1*) Where any sum has been paid or deposited on or after the date of the commencement of this Act or within a period of six months before such date in respect of the occupation of any premises,—

(*a*) on account of rent, being a sum which is by reason of the provisions of this Act irrecoverable, or

(*b*) as premium, *salami*, fine or other like imposition in addition to the rent or as rent in advance, the claiming or the receiving of which is prohibited under this Act, or

(*c*) on account of price of any furniture in such premises, being a sum which is in excess of the market-value of such furniture and the recovery of which is prohibited under this Act,

the Controller may, on application made to him in this behalf at any time within a period of six months from the date of such payment or deposit by the tenant by whom such payment or deposit was made, order the landlord by whom such payment was received or to whose credit such deposit was made, to refund such sum to such tenant or, at the option of such tenant, order the adjustment of any sum so paid or deposited in any other manner.

(*2*) An order of refund passed by the Controller under sub-section (*1*) shall be executed by the Court having jurisdiction to entertain a suit for the recovery of arrears of rent in respect of the premises in relation to which the sum ordered to be refunded was paid or deposited, as if such order of refund were a decree of that Court.

Grant of certificate of standard rent by the Controller.

8. The Controller shall, on application made to him by any landlord or tenant, grant a certificate stating the standard rent referred to in sub-clause (*b*) of clause (*10*) of section 2, of any premises let or rented by such landlord or tenant, as the case may be.

Cases in which standard rent shall be fixed by the Controller.

9. In any of the following cases, the Controller shall, on application made to him by any landlord or tenant, fix the standard rent of the premises at such amount as, having regard to the provisions of this Act and the circumstances of the case including the municipal rates, taxes or cesses payable in respect of the premises, he deems just—

(*a*) where any premises have been or are erected after the first day of October, 1946;

(*b*) where by reason of any premises having been let at one time as a whole, and at another time in parts, or where for any other reason, any difficulty arises in giving effect to this Act;

(*c*) where any premises have been or are let rent-free, or at a nominal rent, or for some consideration in addition to rent;

(*d*) where some addition, improvement or alteration not included in necessary repairs or repairs which are usually made to premises in the locality, has been made at any time after the first day of October, 1946, to any premises at the landlord's expense;

The West Bengal Premises Rent Control (Temporary Provisions) Act, 1948.

(Chapter II.—Provisions regarding rent and salami.*— Chapter III.—Suits and proceedings for eviction.— Sections 10, 11.)*

(*e*) where any furniture has been supplied on or after the first day of October, 1946, by the landlord for use in any premises or where any premises which were let without any furniture on or after the said date are subsequently let furnished;

(*f*) where there has been an increase in the municipal rates, taxes or cesses in respect of any premises;

(*g*) where for any other sufficient cause the rent at which the premises were let on the first day of October, 1946, or at which the premises are for the time being let is not, in the opinion of the Controller, just and fair; or

(*h*) where the provisions of sub-section (*3*) of section 11 or of section 13 apply and there is a dispute about the rent or the apportionment of rent:

Provided that in fixing the standard rent,—

(*i*) under clause (*a*), the Controller shall take into account the prevailing rate of rent in the locality for similar accommodation with similar advantages and amenities;

(*ii*) under clause (*d*), the Controller shall not increase the rent by more than ten *per centum per annum* of the amount expended on the addition, improvement or alteration made to the premises; and

(*iii*) under clause (*e*), the Controller shall take into consideration the market-value on the date on which the standard rent is so fixed of the furniture supplied.

Date on which standard rent fixed by the Controller takes effect.

10. In every case in which the Controller fixes the standard rent, or in fixing the standard rent allows any increase in the rate of rent payable, in respect of any premises, he shall appoint a date from which the standard rent so fixed or the increase so allowed shall be deemed to have effect and such date may be any date anterior to the date of any order of the Controller under this section if the Controller deems such anterior fixation of the date just and proper in the circumstances of the case but shall not be subsequent to the date on which the application under section 9 is made:

Provided that where the standard rent is fixed under clause (*f*) of section 9, such standard rent shall be deemed to have effect from the date on which the increase in the municipal rates, taxes or cesses came into force.

CHAPTER III.

SUITS AND PROCEEDINGS FOR EVICTION.

No order for ejectment ordinarily to be made if rent paid at allowable rate.

11. (*1*) Notwithstanding anything contained in the Transfer of Property Act, 1882, the Presidency Small Cause Courts Act, 1882, or the Indian Contract Act, 1872, no order or decree for the recovery of possession of any premises shall be made as long as the tenant pays to the full extent the rent allowable by this Act and performs the conditions of the tenancy: IV of 1882. XV of 1882. IX of 1872.

Provided that nothing in this sub-section shall apply,—

(*a*) where the tenant has done any act contrary to the provisions of clause (*m*), clause (*o*) or clause (*p*) of section 108 of the Transfer of Property Act, 1882, or

(*b*) where the tenant has sublet, or otherwise transferred his interest in, the premises—

(*i*) for more than six consecutive months and to the extent either of the whole or a major portion of the premises, in the absence of any contract or other authority in writing expressly permitting such subletting or transfer, or

(*ii*) in any manner in contravention of the terms of a contract in writing expressly prohibiting such subletting or transfer; or

(*c*) where the tenant has been using the premises or allowing the premises to be used for immoral or illegal purposes, or

(*d*) where the condition of the premises has materially deteriorated owing to acts of waste by, or negligence or default of, the tenant or any person residing with the tenant, or

The West Bengal Premises Rent Control (Temporary Provisions) Act, 1948.

(Chapter III.—Suits and proceedings for eviction.—Section 12.)

(*e*) where the tenant has been guilty of conduct which is a nuisance or an annoyance to occupiers of adjoining or neighbouring premises, or

(*f*) where the premises are *bona fide* required by the landlord either for purposes of building or rebuilding, or for his own occupation or for the occupation of any person for whose benefit the premises are held.

(*2*) Notwithstanding anything contained in this Act or in any other law for the time being in force, it shall not be lawful after the commencement of this Act, for a tenant inferior to a tenant of the first degree to let in whole or in part the premises let to him except with the consent of the landlord and of the tenants of a superior degree above him.

Explanation.—In this sub-section—

(*a*) "a tenant of the first degree" means a tenant who does not hold under any other tenant;

(*b*) "a tenant inferior to a tenant of the first degree" means a tenant holding immediately or mediately under a tenant of the first degree;

(*c*) "landlord" means the landlord of a tenant of the first degree.

(*3*) Any person to whom any premises or any part thereof have been or has been lawfully sublet by a tenant shall, where the interest of the tenant in such premises or part is lawfully determined otherwise than by virtue of a decree or order obtained by the landlord on any of the grounds specified in clause (*f*) of the proviso to sub-section (*1*), be deemed to be a tenant in respect of such premises or part, as the case may be, holding directly under the landlord on the terms and conditions on which such person would have held under the tenant if the interest of the tenant had not been so determined:

Provided that it shall be competent for the landlord, or any person deemed under this sub-section to be a tenant holding directly under the landlord, to make an application under section 9 to the Controller for fixing the standard rent of the premises or part thereof in respect of which such person is so deemed to be a tenant and until any standard rent is fixed by the Controller on such application such person shall be liable to pay to the landlord the same rent as was payable by him in respect of the premises or part thereof, as the case may be, to the tenant before the interest of the tenant therein had been determined.

When a tenant can get the benefit of protection against eviction.

12. (*1*) No tenant shall be entitled to the benefit of section 11 in respect of any premises unless—

(*a*) he pays the rent allowable by this Act and due by him in respect of such premises to the full extent within the time fixed in the contract with his landlord or, in the absence of such contract, by the fifteenth day of the month next following that for which the rent is payable, and

(*b*) in the case where any rent has accrued due before the commencement of this Act, he also pays within one month after the date of such commencement all arrears of rent allowable by this Act and due by him in respect of such premises to the full extent together with, where the arrears are already the subject-matter of a suit or proceeding before a Court or of any decree or order of Court, interest thereon at the rate of six and a quarter *per cent. per annum* and such costs as the Court may award, and

(*c*) in the case where the Controller has, in fixing the standard rent, allowed any increase in the rate of rent payable in respect of such premises with effect from any date earlier than the date of the order, he pays also the amount that has become payable by him on account of such increase, for any period preceding the date of such order, to the full extent and within the time specified in this behalf by the Controller or, in the absence of any such specification, within one month of the date of such order, or

where the landlord refuses to accept any rent referred to in clause (*a*), clause (*b*) or clause (*c*), or where there is a

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bona fide doubt or dispute as to the person who is entitled to receive such rent, unless the tenant deposits such rent and all subsequent rent allowable by this Act which becomes due in respect of such premises as provided in section 19 together with, in the case mentioned in clause (*b*) of sub-section (*1*) of that section, the cost of transmission referred to in that clause within the time specified in that section.

Explanation.—A landlord shall not for the purposes of this section be deemed to have refused to accept any rent unless the rent is remitted within the period referred to in clause (*a*) or clause (*b*) or clause (*c*), as the case may be, of this section by postal money order to the address of the landlord and the rent so remitted is returned to the tenant by the postal authorities as undelivered either on account of the landlord having refused to accept payment thereof or for any other cause.

(*2*) Subject to the provisions of sub-section (*3*), no suit or proceeding instituted against a tenant after the commencement of this Act for the recovery of possession of any premises on the ground of default in making any payment or deposit referred to in sub-section (*1*) shall be further proceeded with if, within one month from the date of service of process on the tenant, he pays through the Court all arrears of rent allowable by this Act up to date together with interest thereon at the rate of six and a quarter *per cent. per annum* and such costs as the Court may award.

(*3*) Notwithstanding anything contained in this Act or in any other law for the time being in force, if a tenant fails for three consecutive months to pay or deposit in accordance with the provisions of this Act any rent payable by him in respect of any premises which has accrued due after the commencement of this Act, the interest of the tenant in such premises shall on such failure be *ipso facto* determined and he shall no longer be deemed to be a tenant.

Special provision for tenancies for not less than seven years.

13. Nothwithstanding anything contained in this Act or in any other law for the time being in force, where a tenant has sublet in whole or in part any premises let to him for a period of not less than seven years, and such period expires on or after the 1st day of October, 1946, the tenant shall not be entitled to the benefit of section 11 in respect of such premises to the extent to which they have been so sublet and in such case the person to whom the premises have been sublet shall be deemed to be a tenant holding directly under the landlord on the terms and conditions on which he held under the tenant in so far as such terms and conditions are consistent with the circumstances of the case and with the provisions of this Act and thereupon the provisions of the proviso to sub-section (*3*) of section 11 shall apply.

Meaning of allawable rant.

14. For the purposes of sections 11 and 12, the rent allowable by this Act in relation to any premises, means—

(*a*) where a certificate has been granted by the Controller under section 8, the standard rent stated in such certificate, or

(*b*) where the standard rent has been fixed under section 9, the standard rent so fixed, or

(*c*) where no certificate has been granted under section 8 and no standard rent has been fixed under section 9, the rent agreed upon between the landlord and the tenant omitting the excess, if any, over the standard rent.

When a tenant is entitled to restoration of possession and compensation.

15. Where the landlord recovers possession on the ground that the premises are *bona fide* required by him for purposes of building or re-building or for his own occupation or for the occupation of any person for whose benefit the premises are held, and the building or the re-building of the premises is not commenced, or the premises are not occupied by the landlord or such person, within two months of the date of vacation of the premises by the previous tenant, or the premises, having been so occupied, are re-let within six months of the said date to any person other than the previous tenant without the permission of the Controller obtained in the prescribed manner, the Controller may, on the application of the previous tenant made within seven months of his vacating the premises, by order, direct the

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landlord to put the previous tenant in possession of the premises or to pay him such compensation as may be fixed by the Controller, or both:

Provided that the Controller may, on the application of the landlord, extend the period within which the building or the rebuilding of the premises is to be commenced, by two months at a time and six months in all.

Special provisions regarding certain suits or proceedings triable by Court of Small Causes of Calcutta.

16. (*1*) Notwithstanding anything contained in any other law for the time being in force, no suit or proceeding by a landlord against a tenant for the recovery of rent or possession of any premises which the Court of Small Causes of Calcutta is competent to try shall be instituted in, or tried by, any Court other than the said Court of Small Causes of Calcutta.

(*2*) Notwithstanding anything contained in the Presidency Small Cause Courts Act, 1882, or in any rule made thereunder, an appeal from a decree or order of the Court of Small Causes of Calcutta in a suit or proceeding referred to in sub-section (*1*) shall, if presented within thirty days from the date of the decree or order, as the case may be, lie to a bench of three Judges of the said Court which shall not include the Judge who made such decree or order. XV of 1882.

(*3*) In the event of a difference of opinion among the Judges sitting in appeal under sub-section (*2*), the opinion of the majority of such Judges shall prevail.

Special procedure for suits and proceedings for eviction of tenants.

17. (*1*) Notwithstanding anything contained in any other law for the time being in force, in every suit or proceeding for the recovery of possession of any premises on one or more of the grounds specified in the proviso to sub-section (*1*) of section 11 or on the ground of non-compliance with the provisions of this Act regarding payment or deposit of rent, the Court shall at the first hearing of such suit or of the application out of which such proceeding has arisen, or as soon as may be thereafter, after giving the parties an opportunity of being heard and considering any affidavits which they may file, decide first if there is sufficient cause for proceeding with the suit or proceeding:

Provided that the decision made under this sub-section shall form a part of the decree or order finally disposing of the suit or proceeding, as the case may be, and shall not be subject to any separate appeal or revision.

(*2*) If the decision referred to in sub-section (*1*) is sufficient for the final disposal of the suit or proceeding the Court may pronounce judgment or pass orders accordingly, but if the decision is not sufficient for such final disposal, the Court shall adjourn the further hearing of such suit or proceeding for the production of such further evidence or for such further argument as may be necessary for the final disposal of such suit or proceeding.

Explanation.—In this section "proceeding" does not include an execution proceeding.

Power of Court to rescind or vary decrees and orders in certain cases.

18. Where any decree or order for the recovery of possession of any premises has been made, before the date of commencement of this Act, but the possession of such premises has not been recovered from the tenant by the execution of such decree or order, the Court by which the decree or order was made may, if it is of opinion that the decree or order would not have been made if this Act had been in operation at the date of the making of the decree or order, rescind or vary the decree or order in such manner as the Court may think fit for the purpose of giving effect to the provisions of this Act.

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(Chapter IV.—Deposit of rent.—Section 19.)

CHAPTER IV.

DEPOSIT OF RENT.

Deposit of rent by the tenant.

19. (*1*) When a landlord refuses to accept any rent referred to in section 12 remitted by postal money order by a tenant in respect of any premises, the tenant shall, in the prescribed manner,—

(*a*) deposit such rent within a fortnight of the date on which the rent so remitted is returned to the tenant by the postal authorities as undelivered, and

(*b*) unless the landlord signifies by notice in writing to the tenant his willingness to accept any subsequent rent which becomes due in respect of such premises, also deposit such rent within a fortnight of the date on which such rent becomes due, or from the expiry of the time within which such rent is required to be paid under clause (*a*) of section 12 together with the cost of transmission by postal money order of the money deposited to the landlord.

(*2*) Where any *bona fide* doubt or dispute has arisen as to the person who is entitled to receive any rent in respect of any premises, the tenant,—

(*a*) may deposit such rent, stating the circumstances under which such deposit is made, and

(*b*) may continue to deposit every subsequent amount of rent which becomes due in respect of such premises, also stating the circumstances under which such deposit is made, until such doubt has been removed or such dispute has been settled by the decision of any competent Court or by settlement between the parties,

within a fortnight of the date on which such rent becomes due or from the expiry of the time within which such rent is required to be paid under clause (*a*), clause (*b*) or clause (*c*) of section 12, as the case may be, in the same manner as has been prescribed for the deposit of rent under sub-section (*1*).

(*3*) On any deposit being made under sub-section (*1*) the Controller shall within fifteen days from the date of such deposit forward the same by postal money order to the address of the landlord.

(*4*) Where any money has been deposited under clause (*a*) of sub-section (*1*) the cost of transmission thereof to the landlord by postal money order shall be recoverable from the landlord and in forwarding the money so deposited to the landlord by postal money order the Controller shall deduct therefrom such cost of such transmission and the cost of serving notice under sub-section (*5*).

(*5*) If the money sent by the Controller under sub-section (*3*) by postal money order to any landlord is returned undelivered, the Controller shall cause a notice of the receipt of the deposit to be served by registered post on the landlord in the prescribed manner and the amount lying in deposit may, subject to such rules as may be made under this Act, be withdrawn by the landlord on application made by him to the Controller in that behalf, and if such amount is not so withdrawn before the expiration of five years from the date of service of such notice, it shall, subject to any order of any Court, be forfeited to His Majesty, and notwithstanding anything contained in any other law for the time being in force or in any contract, the landlord shall not be entitled to recover the said amount by suit or otherwise from the tenant by way of his dues in respect of the premises on account of which such deposit was made.

(*6*) When a deposit has been made under sub-section (*2*), the amount of such deposit shall be held by the Controller pending the removal of the doubt or the settlement of the dispute which has arisen as to the person who is entitled to receive the rent either by the decision of a competent Court or by settlement between the parties and the amount of such deposit may be withdrawn by the person who is declared by such Court to be entitled to it or who is held by the Controller to be entitled to it in accordance with such settlement

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(7) No suit or other legal proceeding shall be instituted against the Crown or against any officer of the Crown in respect of anything done in good faith by the Controller receiving a deposit under this section, but nothing in this section shall prevent any person entitled to receive the amount of any such deposit from recovering the same from a person to whom it has been paid under this section.

Penalty for giving incorrect name or address of the landlord.

20. If a tenant while making a deposit of any rent under section 19 wilfully gives an incorrect name or address of his landlord, he shall, on the complaint of the landlord, be liable to a fine which may extend to five hundred rupees to be imposed, after inquiry, by the Controller.

Saving as to acceptance of rent.

21. When a landlord accepts rent in respect of any premises sent by postal money order by a tenant under section 12 or by the Controller under sub-section (3) of section 19 or withdraws any rent deposited under section 19, the fact of this acceptance or withdrawal shall not be used in any way as evidence that he has admitted as correct any of the particulars set forth in the postal money order form or in the application for deposit of such rent or that he has waived any notice to quit given by him to the tenant.

CHAPTER V.

Hotels and Lodging Houses.

Fixation of fair rate and number of lodgers.

22. The Controller may, on application made by any person interested,—

(*a*) fix a fair rate to be charged for board, lodging or other service provided in a hotel or lodging house and in fixing such fair rate specify separately the rate for lodging, board or other service; or

(*b*) fix the number of lodgers to be accommodated in each room or specified accommodation in a hotel or lodging house.

Revision of fair rate and number of lodgers.

23. The Controller may from time to time revise the fair rate or the number of lodgers fixed under section 22.

Notice of fair rate and number of lodgers to be displayed.

24. The manager of a hotel or the owner of a lodging house shall, where the fair rate or the number of lodgers has been fixed under section 22 for a hotel or lodging house, display in a conspicuous part of the hotel or lodging house a notice of the fair rate and the number of lodgers so fixed.

Agreement for payment of charges in excess of fair rate.

25. An agreement for the payment of any charge in excess of the fair rate referred to in section 22 shall be null and void in respect of such excess and shall be construed as if it were an agreement for the payment only of such fair rate.

No eviction if fair rate paid.

26. No manager of a hotel or owner of a lodging house shall have any right to evict or refuse board or other service to a lodger as long as he pays or tenders payment of the fair rate fixed under section 22 and observes and performs the other conditions of the agreement in so far as they are not inconsistent with the provisions of this Chapter:

Provided that a lodger shall not be entitled to the benefit of this section—

(*a*) if the lodger has been guilty of conduct which is a nuisance or an annoyance to the other lodgers of the hotel or lodging house; or

(*b*) if the lodger has continuously been absent from such hotel or lodging house for a period exceeding two months; or

(*c*) if the lodger having contracted to stay for any specified period stays beyond that period unless the Controller on an application made to him in this behalf extends the period.

Punishment.

27. (*1*) Every manager of a hotel or owner of a lodging house who accommodates lodgers or permits lodgers to be accommodated in a room or specified accommodation in a hotel or lodging house in excess of the number fixed by the Controller under section 22, except with the consent of all the lodgers of such room or specified accommodation, shall on conviction in a Criminal Court be punished with fine which may extend to one thousand rupees.

(2) Every manager of a hotel or owner of a lodging house who fails to display a notice as required under section 24 of the fair rate or the number of lodgers fixed under section 22 shall on conviction in a Criminal Court be punished with fine which may extend to five hundred rupees.

CHAPTER VI.

APPOINTMENT OF THE CONTROLLER AND OTHER OFFICERS, THEIR POWERS AND FUNCTIONS.

Appointment of Controller and Additional and Deputy Controllers.

28. (1) The Provincial Government may, by notification, appoint a person to be the Controller for any area to which this Act extends to exercise the powers and discharge the duties conferred and imposed upon the Controller by or under this Act in such area.

(2) The Provincial Government may also, by notification, appoint any person to be an Additional Controller or a Deputy Controller for any area to which this Act extends.

(3) An Additional Controller or a Deputy Controller shall exercise such of the functions of the Controller as may, subject to the control of the Provincial Government, be assigned to him by the Controller and in the discharge of these functions an Additional Controller or a Deputy Controller shall exercise the same powers and discharge the same duties as the Controller.

(4) The Controller may—

(a) transfer any case pending before him for disposal to any Additional Controller or Deputy Controller, or

(b) withdraw any case pending before any Additional Controller or Deputy Controller, and

(i) dispose of such case himself, or

(ii) transfer such case for disposal to any other Additional Controller or Deputy Controller.

(5) A Controller, an Additional Controller or a Deputy Controller appointed under this section shall be either,—

(a) a member—

(i) in Calcutta, of the Judicial Branch of the Provincial Civil Service of not less than ten years' standing in such service, and

(ii) elsewhere, of the Executive or Judicial Branch of the Provincial Civil Service, or

(b) a barrister, advocate or attorney of the High Court in Calcutta of not less than ten years' standing, who has practised as such, and has experience of rent values and land acquisition cases in Calcutta.

Final hearing of certain applications.

29. (1) The hearing of every application made to the Controller under this Act shall be completed within a period of three months in the case of an application for exercise of the powers conferred on him by sections 8 and 9, and within a period of one month in the case of an application for obtaining his permission under sub-section (2) of section 38, unless, for reasons to be recorded by the Controller in writing, it is not possible for him to complete the hearing within that period.

(2) The hearing of any application referred to in sub-section (1) shall, when it has begun, be continued from day to day unless, for reasons to be recorded by the Controller in writing, it is not possible so to do.

Notice to landlords and tenants before exercising powers under the Act.

30. Before exercising any of the powers conferred on him by this Act, the Controller shall give notice by registered post of his intention to do so to the landlord and to the tenant, if any, and shall cause a copy of such notice to be affixed in a conspicuous place at the office of the Controller, and shall duly consider any application received by him within the period specified in the notice from any person having any interest in the premises in respect of which such power is exercised.

Power to enter and inspect premises, to require information and to summon witnesses.

31. (1) For the purposes of any inquiry under this Act the Controller may,—

(a) enter and inspect any premises at any time between sunrise and sunset;

(b) authorise any officer subordinate to him to enter and inspect any premises; or

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(c) by written order require any person to produce for his inspection such accounts, rent receipts, books or other documents relevant to the inquiry, at such time and at such place, as may be specified in the order:

Provided that no premises shall be entered under clause (a) or clause (b), without the consent of the occupier, unless at least twenty-four hours' previous notice in writing has been given

(2) The Controller shall, subject to any rules made under this Act, and, in so far as such powers are necessary for carrying out the provisions of this Act, have power to summon and enforce the attendance of witnesses, and to compel the production of documents by the same means and, so far as may be, in the same manner as is provided in the case of a Court by the Code of Civil Procedure, 1908. Act V of 1908.

CHAPTER VII.

Appeal, Review, Jurisdiction and Penalty.

Appeal and review.

32. (1) Any person aggrieved by an order of the Controller may, within thirty days from the date of the order, present an appeal in writing,—

(a) in respect of premises in the Presidency town of Calcutta, to the Chief Judge of the Court of Small Causes of Calcutta, and

(b) in respect of premises elsewhere, to the District Judge of the district in which the premises in respect of which such order is made are situated:

Provided that no appeal shall lie under this sub-section from any order made by the Controller under section 39:

Provided further that no appeal presented under this sub-section by a tenant shall be entertained unless all arrears of rent payable by such tenant in accordance with the order of the Controller appealed against has been paid or deposited in accordance with the provisions of this Act.

(2) The Provincial Government may, by notification, appoint any person who has exercised the powers of a District Judge in West Bengal to hear appeals presented under clause (a) of sub-section (1) to the Chief Judge of the Court of Small Causes of Calcutta and may, by notification, also appoint any person who is a judicial officer not below the rank of a subordinate judge to hear appeals presented under clause (b) of the said sub-section to a District Judge.

(3) The Chief Judge of the Court of Small Causes of Calcutta to whom an appeal is presented under clause (a) of sub-section (1) or a District Judge to whom an appeal is presented under clause (b) of that sub-section may transfer such appeal to any person appointed to hear any such appeal under sub-section (2) and may withdraw any appeal so transferred and either hear and dispose of it himself or transfer it to any other person appointed to hear such appeals under sub-section (2).

(4) The Chief Judge or the District Judge or any person appointed under sub-section (2) to whom an appeal is transferred under sub-section (3), as the case may be, shall then send for the record of the case from the Controller and after perusing such record and, if necessary, taking such evidence himself or personally making such further inquiries as he thinks fit, shall decide the appeal and shall not send it back on remand.

(5) Subject to such rules as may be made under this Act, any order passed under this Act by the Controller, the Chief Judge of the Court of Small Causes of Calcutta or a District Judge or a person appointed under sub-section (2) may be reviewed by the person who passed the order on the ground of the discovery of any new and important matter or evidence or on account of some mistake or error apparent on the face of the record or for any other sufficient cause:

Provided that before any order is passed under this sub-section which is likely to affect any person adversely such person shall be given a reasonable opportunity of being heard.

(*6*) The High Court, on application made in that behalf by any person aggrieved by an order passed in appeal by the Chief Judge or the District Judge or a person appointed under sub-section (*2*), either imposing, or confirming any order passed by the Controller imposing, a fine under section 20, section 33 or section 34 may, where the fine is not less than five hundred rupees and such application is made within thirty days of the date of such order, call for and examine the record of such appeal and, after giving the parties an opportunity of being heard, revise the order passed in such appeal.

(*7*) All decisions of the Chief Judge or the District Judge or a person appointed under sub-section (*2*), as the case may be, shall, subject to the provisions of sub-section (*6*), be final.

Penalty for recovering rent in excess of the standard rent.

33. (*1*) Whoever knowingly—

(*a*) receives, whether directly or indirectly, any sum on account of the rent of any premises in excess of the standard rent, or

(*b*) receives, whether directly or indirectly, or invites offers or asks for, any premium, *salami*, fine or any other like imposition in addition to the standard rent except as provided in section 5, or

(*c*) receives, whether directly or indirectly, any sum as rent in advance in excess of one month's rent without the written consent of the Controller,

shall, on the complaint of the party aggrieved or of the Provincial Government, be liable,—

(*i*) in the case referred to in clause (*a*), on the first occasion, to a fine which may extend to five times the amount recovered in excess of the standard rent, and on a second or subsequent occasion in regard to the same or any other premises, to a fine which may extend to ten times the amount of such excess;

(*ii*) in the case referred to in clause (*b*), on the first occasion, to a fine which may extend to two thousand rupees, and on a second or subsequent occasion in regard to the same or any other premises, to a fine which may extend to five thousand rupees; and

(*iii*) in the case referred to in clause (*c*), on the first occasion, to a fine which may extend to twice the amount received in excess of one month's rent, and on a second or subsequent occasion in regard to the same or any other premises, to a fine which may extend to four times the amount so received,

to be imposed, in each case after inquiry, by the Controller.

(*2*) A person shall be deemed to receive a sum in excess of the standard rent, if he receives any consideration representing a money value in excess of such standard rent as part of such standard rent.

Penalty for disturbance of easements, etc.

34. Whoever, in any case in which an order or decree for the recovery of possession of any premises is prohibited under section 11, without the previous written consent of the Controller, or save for the purpose of effecting repairs or complying with any municipal requisition, wilfully disturbs any easement annexed to such premises, or removes, destroys, or renders unserviceable, anything provided for permanent use therewith, or discontinues any supply or service comprised in the tenancy of such premises, shall, on the complaint of the party aggrieved, be liable, on the first occasion, to a fine which may extend to five hundred rupees, and on a second or subsequent occasion in regard to the same or any other premises, to a fine which may extend to one thousand rupees, to be imposed, after inquiry, by the Controller.

Payment and recovery of fine.

35. The fine imposed under section 20, section 33 or section 34 shall be paid by the person fined in the prescribed manner within thirty days from the date of the order of the Controller imposing the fine or within such further period as the Controller may allow for such payment for special reasons to be recorded by him in writing and in default of such payment the fine shall be recoverable as a public demand under the Bengal Public Demands Recovery Act, 1913. Ben. Act III of 1913.

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Limitation for complaints.

36. No complaint under section 33 or section 34 shall be brought against any person after the expiration of six months from the date of the commission of the act in respect of which the complaint is brought

Issue of distress warrants and other processes barred in certain cases.

37. No distress warrant shall be issued under Chapter VIII of the Presidency Small Cause Courts Act, 1882, and no process under the Code of Civil Procedure, 1908, in execution of a decree passed *ex parte* thereunder, shall be issued, either for the attachment of property or for the arrest of any tenant, in connection with the recovery of the rent of any premises situated in any area to which this Act may apply, unless the person applying for execution, when making his application, swears or affirms by affidavit or otherwise that none of the rent, in respect of which execution is applied for, is irrecoverable under this Act.

XV of 1882. Act V of 1908.

CHAPTER VIII.

Miscellaneous.

Making of repairs and taking of measures for the maintenance of essential services by the tenant on the failure or neglect of the landlord to do so.

38. (*1*) The Controller shall, on application made to him in this behalf by any tenant in possession of any premises, cause a notice to be served in the prescribed manner on the landlord thereof requiring him to make any repairs which such landlord is bound to make to the premises or to take any measures for the due maintenance of any essential supply or service, such as the maintenance of the supply of water or electricity, the maintenance of conservancy or sanitary service and the maintenance of any lift, which such landlord is bound to maintain in the premises under the conditions of the tenancy or according to local usage.

(*2*) If after the service of such notice the landlord fails to show proper cause or neglects to make within reasonable time such repairs or to take within reasonable time such measures, as the case may be, the tenant may submit to the Controller an estimate of the cost of such repairs or measures, and may apply to him for permission to make such repairs or to take such measures himself and, thereupon, the Controller may, after giving the landlord an opportunity of being heard and after considering such estimate of cost and making such inquiries as he may consider necessary, by an order in writing, permit the tenant to make such repairs or to take such measures, as the case may be, at a cost not exceeding such amount as may be specified in the order and it shall thereafter be lawful for the tenant to make such repairs or to take such measures himself and to deduct the cost thereof, which shall in no case exceed the amount so specified, from the rent or otherwise recover it from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

Taking of measures by the tenant in case of emergency.

39. Notwithstanding anything contained in section 38, if the necessity for making any repairs or for taking any measures referred to in that section, is so urgent that any delay involved in the procedure referred to therein is likely to subject the tenant to personal loss, damage or serious inconvenience, the tenant may himself cause the notice referred to in section 38 to be served in the prescribed manner on the landlord requiring him to make such repairs or to take such measures within seventy-two hours of the service of such notice and shall in every such case submit, at the same time, a copy of such notice to the Controller together with an estimate of the cost of such repairs or measures to enable the Controller to make such inquiries as he may consider necessary about the necessity of such repairs or measures and the correctness of the estimate so submitted, and if, after the service of such notice, the landlord fails to make such repairs or to take such measures within the time mentioned in the notice, the tenant may himself make such repairs or take such measures, as the case may be, and, after completion of such repair or measures, submit to the Controller a statement of the costs thereof and thereafter the Controller, after considering such statement and making such further inquiries as he may consider necessary, may, by an order in writing, determine the amount of the costs which the tenant is entitled to recover from the landlord,

and the tenant may thereupon deduct the amount so determined from the rent or otherwise recover it from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

Criminal liability and refund of the consideration paid in addition to the standard rent.

40. (*1*) Whoever knowingly accepts or obtains or attempts to accept or obtain, whether directly or indirectly, any sum or valuable thing or any pecuniary advantage on account of any premium, *salami* or fine in addition to the standard rent, except as provided in section 5, shall also, on conviction in a Criminal Court, be punished with imprisonment for a term which may extend to two years or with fine or with both and, without prejudice to any other method of recovery, the Court may order the amount paid or the value of the consideration given to be repaid to the person by whom the payment was made or the consideration given.

(*2*) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under sub-section (*1*) shall be cognizable and bailable. Act V of 1898.

Cutting off or withholding essential supply or service.

41. (*1*) No landlord either himself or through any person purporting to act on his behalf shall without just or sufficient cause cut off or withhold any essential supply or service enjoyed by the tenant in respect of the premises let to him.

(*2*) Any landlord who contravenes the provisions of sub-section (*1*) shall, on conviction in a Criminal Court, be punished with imprisonment for a term which may extend to three months or with fine or with both.

Explanation.—In this section essential supply or service includes supply of water, electricity, lights in passages and on stair-cases, lifts and conservancy or sanitary service.

Tenant may get supply of electricity to the premises without the permission of the landlord.

42. Notwithstanding anything contained in any other law for the time being in force, a tenant may get from a licensee the supply of electricity in the premises occupied by him without the permission of the landlord.

Explanation.—In this section "licensee" has the same meaning as in clause (*h*) of section 2 of the Indian Electricity Act, 1910. IX of 1910.

Supply of certified copies of the order of the Controller.

43. Any person affected by any order of the Controller made under this Act shall be entitled to be furnished with a copy thereof, duly certified by the Controller to be a correct copy, on payment of such fees as may be prescribed, and such copy shall be admissible in evidence in any Court of Law to prove the order of the Controller.

Controller to be a public servant.

44. A Controller appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Repeal and saving.

45. (*1*) The West Bengal Expiring Laws Act, 1948, in so far as it enacts and continues in operation the provisions of the Calcutta Rent Ordinance, 1946, is hereby repealed. West Ben. Act V of 1948. Ben. Ord. V of 1946.

(*2*) Any rules, orders and appointments made or deemed to have been made or anything done or any action taken or any proceedings commenced or deemed to have been done, taken or commenced under any of the provisions of the said Ordinance shall continue in force in so far as they are consistent with the provisions of this Act and shall be deemed to have been made, done, taken or commenced under the corresponding provision of this Act.

(*3*) For the removal of doubts it is hereby declared that all proceedings pending before the Controller at the commencement of this Act in connection with applications for permission to institute or prosecute a suit or proceeding, or to execute, or proceed with the execution of, a decree or order, for the recovery of possession of any premises from a tenant and all appeals preferred against, or applications filed for review of, orders passed on such applications and pending at such commencement, shall abate.

Bar of proceedings.

46. No suit, prosecution or other legal proceeding shall lie against any officer of the Crown for anything in good faith done or intended to be done under this Act.

Power to make rules.

47. (*1*) The Provincial Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely

(*a*) the form of permits referred to in sub-section (*1*) of section 6 and the fee referred to in sub-section (*2*) of that section;

(*b*) the manner of obtaining the permission and executing an order referred to in section 15;

(*c*) the manner of depositing rent under sub-section (*1*) of section 19;

(*d*) the method of withdrawal of the deposit of rent by the landlord under sub-section (*5*) of section 19;

(*e*) the procedure for summoning and enforcing the attendance of witnesses and compelling the production of documents referred to in sub-section (*2*) of section 31;

(*f*) the procedure to be followed in inquiries under this Act, by the Controller, the Chief Judge of the Court of Small Causes of Calcutta, the District Judge and any person appointed under sub-section (*2*) of section 32;

(*g*) the procedure for review of orders referred to in sub-section (*6*) of section 32;

(*h*) the manner of payment of the fine referred to in section 35;

(*i*) the manner of service of notices issued under this Act;

(*j*) the charging or remitting of costs and fees and the fixing of a scale of costs and fees.

(3) All rules made under this Act shall, as soon as may be after they have come into force, be laid before the Provincial Legislature.

The Schedule.

[*See* section 2(*10*).]

PART A.

Provisions for determining the standard rent of premises in Calcutta.

1. In this part of this Schedule "basic rent" in relation to any premises means—

(*a*) where the rent of the premises has been fixed by the Controller under the Calcutta House Rent Control Order, 1943, or the Calcutta Rent Ordinance, 1946, the rent so fixed. Ben. Ord. V of 1946.

(*b*) where the rent of the premises has not been so fixed the rent which would, in the opinion of the Controller, have been fixed under the Calcutta Rent Ordinance, 1946.

2. Where the premises are used for residential purposes or mainly for residential purposes, the standard rent shall be the basic rent increased by—

(*a*) 6¼ *per cent.*, if the basic rent *per mensem* is not more than Rs. 50,

(*b*) 12½ *per cent.*, if the basic rent *per mensem* is more than Rs. 50 but not more than Rs. 150,

(*c*) 18¾ *per cent.*, if the basic rent *per mensem* is more than Rs. 150 but not more than Rs. 300,

(*d*) 20 *per cent.*, if the basic rent *per mensem* is more than Rs. 300.

Explanation.—In this paragraph and in the next succeeding paragraph of this part of this Schedule, the expression "residential purposes" includes purposes of being used as a hospital, an orphanage, or an educational or charitable institution.

3. Where the premises are used otherwise than for residential purposes or mainly for residential purposes, the standard rent shall be the basic rent increased by—

(*a*) 12½ *per cent.*, if the basic rent *per mensem* is not more than Rs. 75,

cent., if the basic rent *per mensem* is more Rs. 75 but not more than Rs. 150,

The West Bengal Premises Rent Control (Temporary Provisions) Act, 1948.

(The Schedule.—Part B.)

(*c*) 37½ *per cent.*, if the basic rent *per mensem* is more than Rs. 150 but not more than Rs. 300,

(*d*) 40 *per cent.*, if the basic rent *per mensem* is more than Rs. 300.

4. Where any premises have been sub-let, the standard rent shall be the rent determined according to paragraph 2 or 3, as the case may be, omitting the excess, if any, beyond 6¼ *per cent.* over the standard rent or a proportionate part thereof, payable by the tenant who sub-lets the premises according as the premises are sub-let in whole or in part.

PART B.

Provisions for determining the standard rent of premises in areas other than Calcutta.

1. In this part of this Schedule "basic rent" in relation to any premises means—

(*a*) Where the rent of the premises has been fixed by the Controller under the Bengal House Rent Control Order, 1942, or the Calcutta Rent Ordinance, 1946, the rent so fixed. Ben. Ord. V of 1946.

(*b*) Where the rent of the premises has not been so fixed the rent which would, in the opinion of the Controller, have been fixed under the Calcutta Rent Ordinance, 1946.

2. Where the premises are used for residential purposes or mainly for residential purposes, the standard rent shall be the basic rent increased by—

(*a*) 10 *per cent.*, if the basic rent *per mensem* is not more than Rs. 25,

(*b*) 20 *per cent.*, if the basic rent *per mensem* is more than Rs. 25 but not more than Rs. 75,

(*c*) 25 *per cent.*, if the basic rent *per mensem* is more than Rs. 75.

Explanation.—In this paragraph and in the next succeeding paragraph of this part of this Schedule, the expression "residential purposes" includes purposes of being used as a hospital, an orphanage or an educational or charitable institution.

3. Where the premises are used otherwise than for residential purposes or mainly for residential purposes, the standard rent shall be the basic rent increased by—

(*a*) 20 *per cent.*, if the basic rent *per mensem* is not more than Rs. 15,

(*b*) 40 *per cent.*, if the basic rent *per mensem* is more than Rs. 15, but not more than Rs. 30,

(*c*) 50 *per cent.*, if the basic rent *per mensem* is more than Rs. 30.

4. Where any premises have been sub-let, the standard rent shall be the rent determined according to paragraph 2 or 3, as the case may be, omitting the excess, if any, beyond 6¼ *per cent.*, over the standard rent or a proportionate part thereof payable by the tenant who sub-lets the premises according as the premises are sub-let in whole or in part.

By order of the Governor,
B. K. GUHA,
Secy. to the Govt. of West Bengal.

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WEDNESDAY, NOVEMBER 17, 1948

I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

ORDER.

No. 1026Pr.—17th November 1948.—Whereas the opinion of the Governor the booklet in ngali entitled "Gandhi Hatyar Gopan Rahasya" Anwarul Islam, printed at the Kusthia Sulav ess by Rafiuddin Ahmad, contains prejudicial port of the nature described in sub-section (*4*) section 2 read with sub-clauses (*i*) and (*n*) of use (*a*) of sub-section (*7*) of section 2 of the st Bengal Security Act, 1948 (Act III of 1948);

low, therefore, in exercise of the power con-red by clauses (*d*) and (*e*) of sub-section (*1*) of tion 8 of the said Act, the Governor hereby hibits the further sale or distribution of the

said booklet or of any extract therefrom or of translation thereof and declares to be forfeit to His Majesty all copies, wherever found, of said booklet and all other documents contai copies, reprints and translations of or ext from the said booklet.

By order of the Gove
P. C. ACHARJI,
Dy. Secy. to the Govt. of West Be

Printed and published by the Superintendent, Govt. Ptg., West at West Bengal Govt. Press, Alipore, on the 17th November 1

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WEST BENGAL LEGISLATIVE ASSEMBLY DEPARTMENT
Date Received
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PART I—Orders and Notifications by the Governor of Bengal, the High Court, Government Treasury, etc

GOVERNMENT OF WEST BENGAL

OFFICE OF THE SUBDIVISIONAL MAGISTRATE, JANGIPUR.

NOTIFICATION.

Dated the 15th November 1948

Under provisions of rule 6(*1*) of Rules for Direct Election to District Boards, Part II, I, S. C. Mandal, Subdivisional Magistrate, Jangipur, and Returning Officer of Samserganj-*cum*-Dhuliyan Constituency of the Murshidabad District Board, do hereby publish the final list of

candidates for bye-election to the said Co tuency in Form III below:—

FORM III.

[Rule 6 (*1*).]

Murshidabad District Board.

Samserganj-cum-Farakka Constituency.

Final list of candidates for bye-election

Non-reserved seat.

Serial No., name of candidate, address of candidate and symbol assigned to candidate.

(1) Abul Hossain Syed—Delwarpur vill. Farakka post office, district Mursh bad—Cart.

(2) T. A. Nuran Nabi—Kuligram villa Arjunpur post office, district Murshi bad—Hurricane Lamp.

The poll will be taken on the 29th Novem 1948 between 10 a.m. and 4 p.m. at the poll station to be notified separately.

G. C. MANDAL,

Returning Officer and Subdivisional Magistrate, Jangi

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

EXCISE DIRECTORATE, WEST BENGAL.

NOTIFICATION.

No. 28/30/5E.—18th November 1948.—In exercise of the power conferred by sub-clause (*cc*) of clause (*9*) of section 86 of the Bengal Excise Act, 1909 (Bengal Act V of 1909), as delegated by Government notification No. 354T.Ex., dated the 12th October 1936, the Excise Commissioner hereby makes the following rules, namely:—

Rules.

1. The holder of any licence of the following classes, namely—

(*a*) a licence for the sale of foreign liquor to the public for consumption on or off the premises (including licensed hotels, restaurants, railway refreshment rooms, dak bungalows and bars attached to a hotel, restaurant, cinema or any other place of public resort and entertainment),

(*b*) a licence for the retail vend of country spirit, or

(*c*) a licence for the retail vend of tari,

shall not keep his licensed premises open on any Thursday at any hour in the following areas, namely—

(*i*) whole of the Calcutta district,

(*ii*) police-stations Matiaburuz, Mahestola, Behala, Tollygunge and Budge-Budge in the Sadar subdivision and whole of the Barrackpore subdivision of the 24-Parganas district,

(iii) Sadar subdivision and police-stations Bow and Uluberia (excluding the coun spirit shop at Boragachi) in the Ulube subdivision of the Howrah district.

(iv) police-stations Chinsurah and Magra in Sadar subdivision and police-stati Serampore, Uttarpara and Bhadresv (exclusive of villages Khalsini, Nabagra Jugipukur and Mankundu) in the Sera pore subdivision of the Hooghly distric

(v) Kharagpur Town police-station in the Sad subdivision of the Midnapore district, a

(vi) Asansol subdivision of the Burdwan d trict.

2. The holder of a licence for the retail sale foreign liquor in a dining car attached to a ra way train shall not keep the licensed dining c open on any Thursday at any hour at the railw stations at Howrah, Sealdah, Asansol a Kharagpur.

3. In the Calcutta district, the holder of licence for the sale of foreign liquor to the publ for consumption off the premises shall be opene at and not earlier than 2 p.m. (Indian Standar Time) on Sundays:

Provided that the licensees who exercised th option on or before the 28th November 1947 i writing before the Collector of Excise, Calcutta, t keep their licensed premises closed for all hours Sundays also, shall continue to keep their licens premises closed during all hours on Sundays

4. The holder of a licence for the retail ve of pachwai in the areas mentioned in rule 1 sha not open the licensed premises earlier or later th at 3 p.m. (Indian Standard Time on eve Thursday.

11. These rules shall come into force wi effect from 19th November 1948, whereupon t following notifications shall be cancelle namely—

(i) notification No. W2S/22/47/48/22Exc dated the 18th November 1947, and

(ii) notification No. W2S/22/47/48/35(14)Exc dated the 20th January 1948.

R. CHOWDHURY,
Commissioner of Excise, West Benga

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WEST BENGAL LEGISLATIVE ASSEMBLY
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SATURDAY, NOVEMBER 20, 1948

[I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF LABOUR.

NOTIFICATION.

No. 4155Lab —18th November 1948.— Whereas the opinion of the Provincial Government the blic interest requires that the operation of the ler, dated the 9th September 1948, issued by Chief Inspector of Factories, West Bengal, empting all adult workers of East Indian ilway Signal Workshops, King's Road, Ross ad post office, Howrah, from the provisions of tions 34, 36 and 38 of the Factories Act, 1934 XV of 1934), should be extended;

Now, therefore, in exercise of the power ferred by the proviso to sub-section (4) of sec 44 of the Factories Act, 1934 (XXV of 1934) Governor has been pleased to extend up to 9th February 1949, the operation of the said o of exemption from the provisions of sections 36 and 38 of the said Act on the following co tions :—

(1) no worker shall be employed for more 58 hours in any week;

(2) no worker shall be employed for more t 10 hours in any one day;

(3) spreadover limit shall not exceed 11 ho in any one day; and

(4) a copy of this order shall be posted a the main entrance to the factory

By order of the Governor

D. S. P. MUKHERJEE

Jt. Secy. to the Govt. of West Beng

Printed and published by the Superintendent, Govt. Ptg., West B at West Bengal Govt. Press, Alipore, on the 20th November 194

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SATURDAY, NOVEMBER 20, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury,

GOVERNMENT OF WEST BENGAL

LOCAL SELF-GOVERNMENT DEPARTMENT.

NOTIFICATION.

No. L.S.-G. 1M-175/48.—20th November 1948.—It is hereby notified under section 50 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932) that the following gentlemen have been duly elected as Commissioners of the Uttarpara Municipality in the district of Hooghly at the general election held on the 7th November 1948:-

Ward No. 1

Sri Hrishikesh Mukhopadhyaya.
Sri Ramkrishna Mukhopadhyaya

Ward No. II.

Sri Provash Chandra Mukhopadhyaya
Sri Borendra Nath Chattopadhyaya.

Ward No. III.

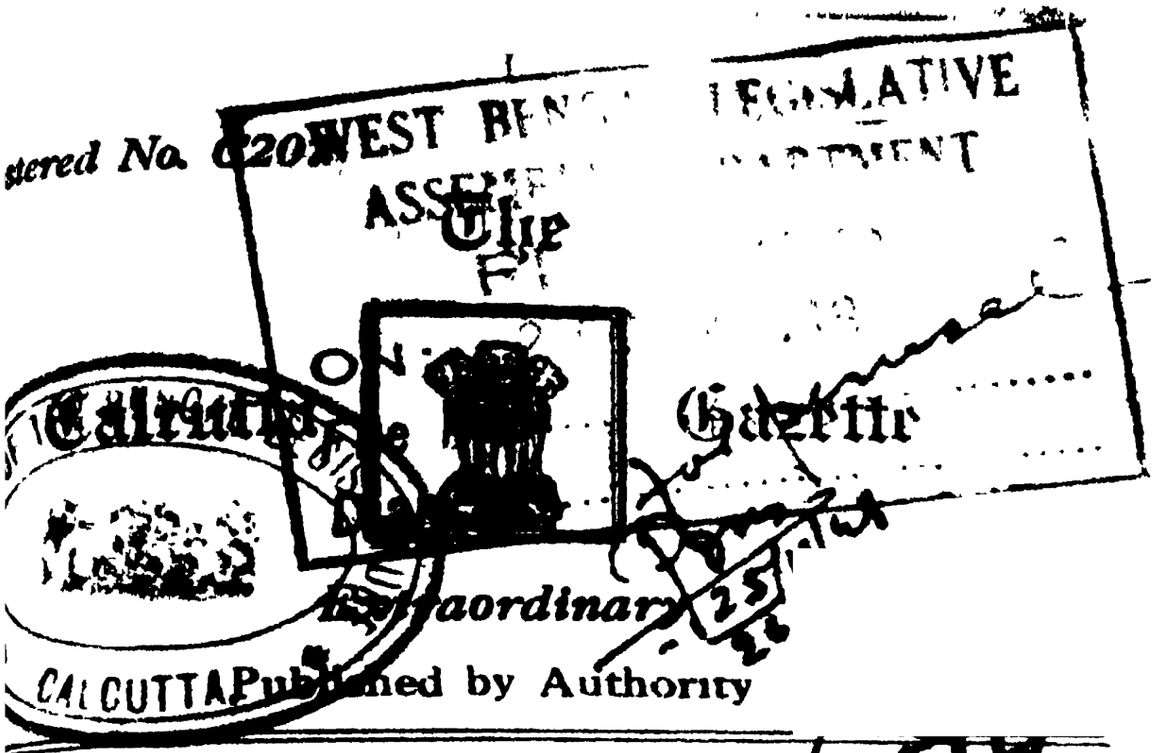
Sri Hrishikesh Chattopadhyaya.
Sri Sachindra Nath Bondopadhyaya

Ward No. IV

Sri Tarak Chandra Kumar.
Sri Debendra Nath Ghose.

By order of the Gover
S. K. GUPTA
Secy. to the Govt. of West Be

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

No. 21517D.C.S.—24th November 1948.—In exercise of the powers conferred by clauses (*a*) and (*b*) of paragraph 30 of the West Bengal Cotton Cloth and Yarn Control Order, 1948, the Governor is pleased to exempt owners, managers or persons having control over jute mills in West Bengal from the operation of the provisions of paragraphs 4 and 5 of the said order in respect of cotton selvedge yarn essentially required for use in such mills.

By order of the Governor,
R. S. KRISHNASWAMY,
Secy. to the Govt. of West Bengal.

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CALCUTTA, THURSDAY, NOVEMBER 25, 1948

Part I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasuries, etc.

GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT.
Political.

NOTIFICATIONS.

No. 8737P.—24th November 1948.—His Excellency the Governor-General of India will arrive by air at Dum Dum at 3-30 p.m. (Indian Standard Time) on Sunday, the 28th November 1948. The arrival will be private. On alighting from the aircraft His Excellency will be received at the Aerodrome by His Excellency the Governor of West Bengal. His Excellency the Governor will then present the Hon'ble Premier of West Bengal to His Excellency.

2. The Hon'ble Premier will then present the Hon'ble Ministers of West Bengal and the following gentlemen to His Excellency the Governor-General.—

The Commander, Bengal, Bihar and Orissa Area,
The Chief Secretary to the Government of West Bengal,
The Administrator, Corporation of Calcutta,
The Commissioner of Presidency Division,
The Inspector-General of Police, West Bengal,
The Commander, Calcutta Sub-Area,
The Commissioner of Police, Calcutta,
The Sheriff of Calcutta,
The District Magistrate, 24-Parganas,
The Resident Naval Officer, Calcutta, and others, if any, as the Hon'ble Premier may desire.

3. A Guard of Honour provided by a Contingent of the West Bengal Armed Police will be drawn up at the Aerodrome.

4. After inspecting the Guard of Honour His Excellency the Governor-General will drive to Government House, Calcutta, accompanied by His

Excellency the Governor of West Bengal, and arrive at Government House, North Gate, at about 4 p.m.

5. A Guard of Honour provided by the Calcutta Mounted Police will be drawn up on both sides of the road from the Northern Gate to the Grand Staircase of Government House and will give a Royal Salute as the car of Their Excellencies drives in. His Excellency the Governor-General and His Excellency the Governor will then alight from the car. His Excellency the Governor-General will proceed to inspect the Guard of Honour provided by the 5/8th Gurkha Rifles accompanied by the Guard Commander, while His Excellency the Governor will proceed to the foot of the Grand Staircase where he will await the arrival of His Excellency the Governor-General.

6. After inspection of the Guard of Honour His Excellency the Governor-General will proceed to the foot of the Grand Staircase where he will be received by His Excellency the Governor who will conduct him up the Grand Staircase. His Excellency the Governor will then present his personal staff to His Excellency the Governor-General and thereafter Their Excellencies will retire to the apartments.

No. 8738P.—24th November 1948.—His Excellency the Governor-General of India and party will leave Government House, Calcutta at 8-a.m. on 1st December 1948 and will drive to the Dum Dum Aerodrome, accompanied by His Excellency the Governor of West Bengal. On arrival at Dum Dum Aerodrome at 8-40 a.m. His Excellency the Governor-General will be received by the following gentlemen and such other persons as Hon'ble Premier may desire:—

(1) The Chief Secretary to the Government of West Bengal,
(2) The Administrator, Corporation of Calcutta,
(3) The Commissioner of Presidency Division,
(4) The Inspector-General of Police, West Bengal,
(5) The Commissioner of Police, Calcutta.

2. His Excellency will then inspect the Guard of Honour to be furnished by the 5th Battalion (Bengal Presidency), Urban Infantry. Thereafter His Excellency will emplane for Benares at 8-a.m. and will be seen off at the Aerodrome by His Excellency the Governor and the officers present.

By order of the Governor,

S. SEN,

Chief Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Ptg., West Bengal at West Bengal Govt. Press, Alipore, on the 25th November 1948

No. C207

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FRIDAY, NOVEMBER 26, 1948

PART I Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

LABOUR DEPARTMENT.

ORDER.

4035Lab.—8th November 1948.—Whereas the Government of West Bengal, Commerce, and Industries Department, order 58Lab., dated the 23rd June 1948, the nal dispute between the Calcutta Tramways ny, Ltd., P-4, Mission Row, Calcutta, and workmen represented by the Calcutta Tram-Workers' Union of 121, Lower Circular Road, tta, the Calcutta Tram Mazdoor Panchayet 4, College Street Market, Calcutta, and the tta Tramways Employees' Union of 10-C, iams Lane, Calcutta, was referred for lication to Sri P. K. Sarkar, Additional ict Judge;

nd whereas the said Sri P. K. Sarkar, Addi-l District Judge, has given the award as in the annexure hereto:

ow, therefore, in exercise of the powers con-red by sub-section (2) of section 10 read with section (3) of section 19 of the Industrial putes Act, 1947 (XIV of 1947), the Governor leased to make the following order and to ct with reference to section 17 of the said Act the award be published in the *Calcutta* ette.

he award made by the said Sri P. K. Sarkar, ditional District Judge, shall bind the Com-y and their workmen aforesaid as specified m and shall remain in force for a period of year with effect from the date of its publica-

ANNEXURE.

In the matter of an industrial dispute between the Calcutta Tramways Co., Ltd., P-4, Mission Row, Calcutta, and their workmen represented by (1) the Calcutta Tramway Workers' Union of 121, Lower Circular Road, Calcutta, (2) the Calcutta Tram Mazdoor Panchayet of C-4, College Street Market, Calcutta, and (3) the Calcutta Tramways Employees' Union of 10-C, Williams Lane, Calcutta.

PRESENT: Sri P. K. SARKAR,
Judge, Industrial Tribunal.

Present for the Company—Sri S. Choudhuri, Sri H. N. Sanyal and Sri P. P. Ginwala, Counsel instructed by Sri S. C. Ghosh of Orr Dignam & Co., Solicitors.

Present for the Tramway Workers' Union—Sri S. K. Acharyya, Counsel.

Present for the Mazdoor Panchayet—Sri S. K. Dutta Gupta, Advocate.

Present for the Tramway Employees' Union—Sri Dwijendra Lal Sen Gupta, Pleader.

AWARD.

By Government order No. 2058Lab., dated 23rd June 1948, the above dispute was referred to me for adjudication as a Tribunal constituted under sections 7 and 10 of the Industrial Disputes Act, 1947. I gave notice to the parties on 24th June 1948. On 5th July 1948 the Tram Mazdoor Panchayet filed written statement. The Tramway

Employees' Union next filed written statement on 14th July 1948. Notices sent to the Tramway Workers' Union by registered post were twice returned undelivered with the endorsement that the office of the Union was found locked up. Notice was then given to the said Union by advertisement in newspapers and in response to the same the Union appeared on 26th July 1948 and applied for two weeks' time to file written statement. Time was allowed and the said Union filed written statement on 9th August 1948. The Calcutta Tramways Company had filed its written statement in reply to the statements of the Mazdoor Panchayet and the Employees' Union on 26th July 1948. In this statement the Company raised certain points and solicited adjudication on the same. On 9th August 1948 the Mazdoor Panchayet and the Employees' Union filed supplementary statements in reply to the points raised by the Company. On 23rd August 1948 the Company filed another written statement in reply to the statement of the Workers' Union. Issues were settled on 2nd September 1948 and the case was heard from day to day commencing from 20th September 1948 with a break on Saturday, 25th September 1948. The hearing was concluded on 29th September 1948.

Of the three Unions which are parties to this dispute as representatives of the workmen, two are recognised by the Company. They are the Tramway Workers' Union and the Tram Mazdoor Panchayet. The third Union, namely, the Tramway Employees' Union, though a registered Union, has not yet been recognised by the Company. There have been several previous adjudications of disputes between the Calcutta Tramways Company and its workmen, as represented by the Tramway Workers' Union, both under the Defence of India Rules and under the Industrial Disputes Act of 1947. The first adjudication which was made by Sri R. Gupta, I.C.S., was enforced on the 12th October 1944 by order No. 3746Com. of the Government of Bengal. The second adjudication was also made by Sri R. Gupta, I.C.S., in the year 1945 and he gave his award on 17th January 1946. The third adjudication was made by Sri S. N. Guha Roy, I.C.S., under the Industrial Disputes Act of 1947 and his award has given in two parts, the first part of which was published in the *Calcutta Gazette* of 5th June 1947 and was made binding for a period of one year from 1st June 1947. The second part of the award was published on 19th June 1947. It appears, however, that this part of the award was not enforced on account of legal difficulties. This award related to matters like Provident Fund, Gratuity, Leave and Quarter Allowance. On the 21st January 1948, the Workers' Union communicated to the Agent of the Company a copy of a resolution passed in a general meeting of the workers in which certain demands were formulated including a demand for increment of wages and dearness allowance proportionate to the rise in the cost of living index. The Company did not accept these demands. Thereafter on 18th February 1948 the Tram Mazdoor Panchayet submitted certain demands to the Company. The Company was unable to accept these demands also. The Tramway Workers' Union had in the meantime made a representation to the Government and after an unsuccessful attempt by the Labour Commissioner to settle the dispute by conciliation, the Government on 22nd March 1948 referred the award of Sri S. N. Guha Roy which was still binding to Sri S. N. Modak, I.C.S. (Retd.), under the proviso to sub-section (3) of section 19 of the Industrial Disputes Act for a decision whether or not the award should, by reason of a material change in the circumstances, cease to be in operation before the expiry of the period fixed by the Government. Originally the Workers' was alone made a party to the reference subsequently the Tram Mazdoor Panchaye also made a party. Sri S. N. Modak ma award on the 17th May 1948 holding th award of Sri S. N. Guha Roy should not c be in operation before the expiry of one yea 1st June 1947. Thereafter the dispute referred to the present Tribunal.

An outline of the demands submitted three Unions will appear from the fol issues which were framed on the basis o written statements filed by the parties after h their representatives. The details of the de will appear when I proceed to discuss the iss

ISSUES.

1. Revision of the minimum basic pay fo
   (*i*) Unskilled workers.
   (*ii*) Switch board attendants.
   (*iii*) Other workers like scrapers, hamm cranemen, sardars, joint mistries, kl and canteen staff.
   (*iv*) Middle class employees' sub-station dants, charge-hands and leather clerks.

2. (*a*) Revision and fixation of grades and of pay for certain categories of employees
   (*b*) Increment of pay in respect of s between the years 1939 and 1947 and nec adjustments.

3. Dearness allowance—
   (*a*) Revision of the present scales of de allowance.
   (*b*) Option of drawing the entire de allowance in cash.

4. Special allowance—
   (*a*) City allowance.
   (*b*) Compensatory food allowance.
   (*c*) Tiffin allowance.
   (*d*) Extra allowance for special work monthly booking, breakdown work,

5. Free quarters or house rent allowance—
   (*a*) Provision of residential quarters fo P.W.D. workers.
   (*b*) Revision of the present scales of hous allowance.
   (*c*) Can the Company be permitted to clos present rented premises and pay house allowance instead to the workers accom dated therein?

6. Bonus—
   (*a*) Annual.
   (*b*) Independence Day.
   (*c*) Attendance.

7. Gratuity and pension.

8. Rates of contribution to the Provident F and revision of the rules thereof.

9. Hours of duty and overtime payment—

(*a*) Hours of duty and length of shifts of different categories of staff, specially the traffic staff.

(*b*) Hours of duty at night for P.W.D. staff and others.

(*c*) Abolition of double shift duty.

(*d*) Grace period for attendance.

(*e*) Tiffin interval and off duty period.

(*f*) Rates of payment for overtime work for all categories of staff—

(*i*) on Sundays and gazetted holidays,

(*ii*) at night,

(*iii*) on ordinary week days.

(*g*) Method of computing payment for work.

10. Leave for all categories of staff—

(*a*) Privilege leave.

(*b*) Casual leave.

(*c*) Medical and injury leave.

(*d*) Quarantine leave.

(*e*) Holidays and weekly off days.

11. Conditions of service—

(*a*) Permanency of the temporary staff.

(*b*) Abolition of the system of appointment of temporary staff and replacing it by a system of appointing probationers and apprentices.

(*c*) Filling up of vacancies in grades and cadres by promotion.

(*d*) Creation of a cadre of supervisors between the cadres of foremen and charge-hands.

(*e*) Promotion of leather bag clerks to the posts of depot cashiers and of menial staff to the posts of supervisors.

(*f*) Definition and classification of the duties of chargemen, assistants, charge-hands and jamadars.

(*g*) Mutual interchange of duties and rules for special duty.

(*h*) Posting in the proximity of residence and abolition of the rule of residence of the sub-station staff near their places of duty.

(*i*) Formation of Service Board with the representatives of the Unions for recruitment, promotion, discharge and dismissal of workmen.

12. Medical facilities and free medicines and medical diet.

13. Provision of cheap food canteens and improvement of the condition of the existing canteens.

14. Provision of additional amenities

(*a*) Free uniforms for the menial staff and others.

(*b*) Provision of camp cots, bedding and mosquito nets for certain categories of staff.

(*c*) Supply of watches to the senior staff.

15. Provision of additional sheds, goomties, lavatories, latrines, telephones, electric fans, etc.

16. Recognition of the Calcutta Tramways Employees' Union.

17. Has this Tribunal jurisdiction to direct reinstatement of *ex*-conductor Ramprit Dobey? Was he discharged as unfit for service and did his discharge involve an element of victimisation?

18. Has this Tribunal got jurisdication to direct reinstatement of the 36 workers named in the written statement of the Calcutta Tramway Workers' Union? Did the question of their reinstatement form part of the dispute which has been referred to the Tribunal?

DECISION.

Issue No. 1.

(*a*) *Revision of the minimum basic pay for unskilled workers.*

The minimum basic pay for the unskilled workers was fixed by Sri S. N. Guha Roy's award at Rs. 37-8. The minimum in 1939 was Rs. 15 which was raised by the two awards of Sri R. Gupta to Rs. 20. This was subsequently raised by the Company to Rs. 22-8. Sri S. N. Guha Roy raised the minimum wage to Rs. 37-8 and awarded Rs. 30 as dearness allowance on a finding that a sum of Rs. 67-8 per month represented the cost of living for the average working class family on the basis of the cost of living index amounting to 300, the base being taken to be 100 in the year 1939. The Workers' Union demanded that the minimum basic wage for the unskilled workers should be fixed at Rs. 50 per month. The Employees' Union also made the same demand. The basis of this demand is that the cost of living index has further gone up since the date of the award of Sri S. N. Guha Roy. On the same ground increase of dearness allowance which was fixed by Sri S. N. Guha Roy at Rs. 30 was also demanded The Mazdoor Panchayet did not demand any increase in the basic wage but demanded increase of the dearness allowance only. At the time of hearing, however, it was demanded by all the three Unions that the basic pay should be increased by Rs. 20 without any increase in the dearness allowance. In arriving at this figure of Rs. 20 the Unions relied upon the recommendation of the Central Pay Commission that for every rise of 20 points in the cost of living index the scale of dearness allowance, as laid down by the Commission in its report, should be increased by Rs. 5. It was argued that the present cost of living index was about 380 and that since Sri S. N. Guha Roy had based his award on the cost of living index amounting to 300, there should be a rise in the wages to the extent of Rs. 20 proportionate to the rise of 80 points, on the principle recommended by the Central Pay Commission.

The first question to be considered in this connection is whether there has been a rise in the cost of living index to the extent mentioned by the Unions. No evidence was furnished by any of the Unions regarding the statement that the present cost of living index is 380. I made an enquiry about the matter from the Labour Commissioner, Government of West Bengal, and the figure that I have received from him is 363 for August 1948. For June and July 1948 the figures were 353 and 356 respectively. One cannot be sure, however, that these figures are accurate. I may mention in this connection that in the award of the Jute Industries Tribunal, dated 31st August 1948, which was published on 24th September 1948, doubt was cast on the accuracy of the figures of the cost of living index in West Bengal and some allowance was made for inaccuracies that might have crept into the calculations. In that award 325 was taken to be the cost of living index for the manual workers during the middle of the year 1948. If 325 be taken as the present figure of cost of living index then the total cost of living under the present conditions would

work out at Rs. 73 on the basis of the figure for 1939 adopted by Sri S. N. Guha Roy which was Rs. 22-8. The Jute Tribunal, however, adopted Rs. 22 as the figure for 1939 and on that basis calculated Rs. 71-8 or roughly Rs. 71 as the total cost of living under the present conditions. Even if the cost of living index be taken to be 350 as in June and July, according to the figures supplied by the Labour Commissioner, then the total cost of living at the present day would work out at Rs. 77 on the basis of the figure (22) adopted by the Jute Industries Tribunal and at Rs. 78-12 on the basis of the figure (Rs. 22-8) adopted by Sri S. N. Guha Roy. On no consideration therefore is an increase of wages amounting to more than Rs. 10 or Rs. 11 above the figure (Rs. 67-8) fixed by Sri S. N. Guha Roy justified according to the increase in the cost of living index.

The Unions have relied upon the recommendation of the Central Pay Commission in arriving at the figure of Rs. 20, but in the Central Pay Commission's Report the minimum basic pay for the unskilled workers was fixed at Rs. 30 and the minimum dearness allowance at Rs. 25. This was fixed on a cost of living index amounting to 285. Though in the body of the report the figure was mentioned as 260, it is clear from the correspondence quoted in Appendix C of the report that the recommendation of the Central Pay Commission was made at a time when the cost of living index was actually 285 and not 260. So the Commission must be deemed to have recommended a minimum total remuneration of Rs. 55 for the unskilled labour on the basis of 285 as the cost of living index. The Commission recommended a revision of the rates of dearness allowance at the end of a six-monthly period, only if the index figure for three previous months stood above or fell below the index figure for the next slab. Even if the cost of living index be taken to be 350 or 360 at the present day, there has only been a rise of 65 or 75 points, for which increase in the rate of dearness allowance can be claimed at Rs. 15 only. This increase would raise the total remuneration to Rs. 70. On this basis also, therefore, the demand of the Unions that the basic wage should be raised by Rs. 20 is unjustified.

There has no doubt been a rise in the cost of living since the date of the award of Sri S. N. Guha Roy, but it is necessary to remember in this connection that the principle that an employer owes a duty to the employees to make good to them to the full extent the rise in the cost of living, merely by reason of the fact that there has been such a rise, has not been accepted by the Industrial Tribunals. On the other hand, the Industrial Court of Bombay in its award on the dispute between the Textile Labour Association and the Ahmedabad Mill Owners' Association refused to accept this principle and observed that "the workers would not be entitled to a rise to the full extent of the rise in the cost of living, unless it could be shown that the industry has benefited to a corresponding extent by the very contingency which has occasioned the rise." (Quoted at page 26 of the Labour Code by Bhatt & Vyas, Vol. I.) In any industry the wages must depend ultimately upon the state of trade and the value of the product neither of which varies with the cost of living index number. Thus the Jute Industries Tribunal fixed the minimum total remuneration in the jute industry at Rs. 58-8, though the total cost of living under the present conditions was found by the Tribunal to work out at Rs. 71. It may be that if 350 be taken as the present cost of living index, an increase of Rs. 10 or Rs. 11 is called for over the sum of Rs. 67-8 fixed by Sri S. N. Guha Roy, but that does not mean that the Company is liable to make good the whole of this rise to its workers. On the basis of the same cost of living index, according to the Central Pay Commission's recommendation, the utmost increase that may be justified is Rs. 2-8, as I have already stated.

In fixing the amount of the increment the question of cost to the Company has also to be considered. The Company had raised the question of cost in its written statements but did not argue the point at the time of hearing. It is well-known however, that the Company has applied to the Government for permission to increase the tramway fares and the burden of a rise in its pay-bill may ultimately fall on the tramway passengers. The Company has stated in its written statement that the total remuneration of its lowest paid employee works out at about Rs. 72 including house rent allowance. The Company estimates the total dearness allowance at Rs. 32 including the value of the food concession. As will be seen later on, the Unions have jointly demanded that the entire dearness allowance should be paid in cash and that the present system of supplying rations at concession rates should be abolished. Cash dearness allowance may therefore be fixed at Rs. 32 on the basis of the Company's statement. I think in the circumstances that it will be fair to all parties concerned, if the dearness allowance be raised to Rs. 35 with an increase of Rs. 5 over the amount fixed by Sri S. N. Guha Roy, and an increase of Rs. 3 over the amount which is now actually being paid. I cannot accede to the demand that the increment should be given to the basic wage. I have already shown that the basic wage is fixed much higher than what is recommended by the Central Pay Commission and since the Unions demanded the increase on the basis of the principle laid down in the report of the Central Pay Commission, I think that it is only the dearness allowance that should be increased on that principle leaving the basic wage intact. Accordingly, my award on this point is that the basic wage for unskilled labour will remain at Rs. 37-8 as at present but that there should be an increase of Rs. 5 in the dearness allowance.

(ii) Switch board attendants

The correct designation of these employees in the records of the Company is sub-station attendants and not switch board attendants. They are in charge of sub-stations and they have various duties to perform in that connection. The demand of the Unions is that these employees should get the same basic pay as the clerks because they are educated and have to perform duties similar to the clerks. It is said that they keep log books, make calculations, submit written reports of their work and have as much responsible duties to perform as the clerks. The Company, however, denies that these employees are educated like the clerks or that they have any technical skill of high order. All that they are required to have is only a little knowledge of English, specially numerals. It appears from the award of Sri S. N. Guha Roy that it was not demanded before him that the sub-station attendants belonged to the same category as the clerks and should have the same pay. The position of these sub-station attendants was described then as intermediate between the middle class and the working class. He therefore put these employees in a class different from either and fixed their minimum basic wage at Rs. 51-4 which was much higher than what was fixed for the working class. I am not satisfied that they deserve better scale than what was fixed for them by Sri S. N. Guha Roy. They certainly cannot be grouped with the clerical staff. My award therefore is that their basic pay should remain unchanged.

(iii) Other workers.

As regards the categories of employees men ioned in this sub-issue, all that was contended the time of hearing was that the khalasis and scrapers should get the wages of skilled rkers and not the wages of unskilled workers hich they draw at present. As regards the other tegories, excluding the canteen staff, it is found at they are already classified as semi-skilled d skilled workmen and get higher wages. As as the canteen staff are concerned their pay les have been fixed by the Company as follows

Canteen supervisors—Rs. 100- 5 -150

Canteen Managers—70 -4 -110.

Canteen Assistant Managers 60 -3- 90

Canteen cooks—Rs. 44 -1- 54.

Canteen vendors—Rs. 37½ -½ 42½.

The Unions found nothing to object to these pay les and accordingly the above pay scales are d for the canteen staff. As regards the khala they are merely assistants to mistries and help m by carrying their tools, etc., and the per's duty is to scrape old cars for painting re renovation. The Company denies that the lasis or the scrapers are skilled workers or their work involves any skill or intelligence. nd no reason to classify them as skilled workers, e their work appears to be crude manual k. The demand for revision of their pay e is therefore rejected.

(iv) Middle class employees.

or middle class employees like the clerks all has been demanded is that they should have same increase of pay on the basis of the cost ving index, as has been demanded for the un- ed workers. As I have already stated, there only be an increase in the rate of dearness wance and not in the basic wages of any of workers. I have also decided to provide for ding scale of dearness allowance in place of present fixed scale, as will appear later on pay-scales for the middle class employees therefore remain unchanged.

e sub-station attendants mentioned in this sue are the same as the switch board atten- mentioned in sub-issue (*iii*). As regards ge-hands the demand is that they should have gher scale of pay than the clerks. This nd refers to sub-station charge-hands, accord- the statement of the Workers' Union The nd in the statement also is that their pay d be equal to that given by the Calcutta ric Supply Corporation, Ltd I find, how- that they are quite liberally paid, their pay being Rs. 133- 6—163 and I do not see any why their pay scale should be further

Leather bag checkers.

demand regarding the leather bag checkers t they should have the same scale of pay as lerks as they are educated. In the written ment, however, the only demand was that a sho ld be fixed for them. The grades are ly there. Their minimum pay is Rs. 50 up to Rs. 67. There is a selection grade Rs. 69 to Rs. 85. They can be promoted as cashiers. It is argued by the Unions that are mostly Matriculates. But the Company that it does not insist on any such educa- qualification. According to the Unions, re required to deal with some cash but this ied by the Company. Their duty is only to ute and collect leather bags to and from conductors. According to the Company, the cash is to be deposited with the cashiers. It appears however, that a deposit is required from them. The deposit amounts to Rs. 300 in a lump or Rs. 5 monthly until Rs. 300 is made up. The Company's case is that this deposit is demanded from them in order that they may ultimately be promoted to work as cashiers. It seems to me that the real reason for the deposit is that they may have to handle cash occasionally That is, however, no reason why they should have a higher pay scale than what they are enjoying at present. They are certainly not qualified like the clerks and cannot have their grade. In fact depot cashiers to whose posts they are ultimately promoted enjoy a grade similar to that of the clerks. I do not therefore find any reason to revise their grade They will, however, get an increment in the rate of dearness allowance in consequence of the sliding scale which is being provided.

Issue No. 2.

(*a*) With regard to this sub-issue it is demanded by the Employees' Union that the rates of annual increment at present enjoyed by working class employees should be revised in the following manner:

Rs. 1-8 in place of 8 annas.

Rs. 3 in place of Re. 1.

Rs. 6 in place of Rs. 2

I have not been satisfied, however, that any increment is necessary in the existing rates which are quite adequate considering the nature of the employees to whom they are applicable.

There was also a demand by the Workers' Union for revision of the maximum of a scale according to the increase in the minimum, but since the minimum of any scale is not being raised, there is no reason for raising the maximum. It was complained that the Company had not revised the scales strictly in accordance with the directions in Sri S. N. Guha Roy's award. But Sri S. N. Guha Roy did not revise any scale excepting fixing the minimum. Sri R. Gupta had revised the scales by his second award, but since Sri S. N. Guha Roy went back to the 1939 scales and fixed the minimum of the scales by adding certain sums to the minimum of 1939, the Company also went back to the 1939 scales and revised the maximum of a scale by adding the same sum which had been added by Sri S. N. Guha Roy to the minimum. In the circumstances no exception can be taken to what has been done by the Company. The scales fixed by Sri R. Gupta could not be maintained after Sri S. N. Guha Roy's award. There is therefore no reason to change the present pay scales which will remain intact.

(*b*) All the Unions have demanded increment of pay for all categories of staff according to seniority and specially for those who were employed between the years 1939 and 1947. The grievance as regards the employees of the latter category appears to be justified. As already stated, Sri S. N. Guha Roy adopted for the fixation of basic pay of each category of staff the pay enjoyed in 1939 as the basis. He recommended an increase of Rs. 22-8 on the basic pay of 1939 generally for the working class employees, Rs. 30 for the middle class employees and Rs. 26-4 for the switch board or sub-station attendants. The result of this was that the increase of pay which an employee had received over the basic pay of 1939 during the years 1939 to 1946 was ignored when the award was implemented by the Company. The employees who had earned time-scale increments of pay

during the intervening period lost the benefit of the said increments and the present position is that the employees who were recruited in 1939 and those recruited in 1947 are getting the same scale of pay. This is certainly an unsatisfactory state of affairs and should be remedied. The Central Pay Commission has recommended at page 45 of their report that when a pay-scale is revised the initial pay of an employee should be fixed at the stage in the new scale next above the pay he is drawing in the present scale and that to this should be added special increments at the rate of one increment in the proposed scale for every three completed years of service. I accordingly direct that those employees who were appointed between 1939 and 1947 should get one increment of pay according to the present scales for every three completed years of service before the date of implementation of the award of Sri S. N. Guha Roy.

Issue No. 3.—Dearness allowance.

(*a*) As already stated, the minimum scale of dearness allowance should be raised to Rs. 35. The Unions further demanded that there should be a sliding scale of dearness allowance according to the pay range. To this the Company has no objection. In fact the Company agreed in its first written statement that some form of sliding scale would be preferable to the present fixed dearness allowance in view of the variation in the cost of living. I, therefore, fix the following sliding scale of dearness allowance and direct that the same be adopted by the Company from the date on which this award will be enforced:—

Pay range up to Rs. 50 Rs. 35.

Pay range up to Rs. 51 –100— Rs. 40

Pay range up to Rs. 101—150 Rs. 45

Pay range up to Rs. 151 – 200 Rs. 55

Pay range up to Rs. 201 250 –Rs. 60.

Pay range up to Rs. 251—300— Rs. 75.

Pay range up to Rs. 301—500—Rs. 85.

(*b*) The present system is that the Company pays a part of the dearness allowance in cash amounting to Rs. 16 roughly and supplies foodstuffs at concession rates from its ration shops, the value of the food concession being about Rs. 16 at present, according to the first statement of the Company. The Unions unanimously demanded at the time of hearing that the entire amount of dearness allowance should be paid in cash to all employees. To this the Company has no objection. The entire dearness allowance, according to the scale fixed above, should therefore be paid in cash to all categories of employees with effect from the date on which this award will come into operation and the system of supplying foodstuffs at concession rates should be abolished. The Company has, however, agreed to retain the ration shops for sale of only controlled foodstuffs at controlled rates to the employees on cash payment. The Unions point out that it may not always be possible for the employees to make cash payments for the controlled foodstuffs that will be sold by the ration shops of the Company, specially towards the end of a month and they want that the supply should be made on credit and the amount deducted from the next month's pay. To this the Company does not agree. The Company cannot certainly be directed to supply foodstuffs on credit from its ration shops as a general rule, since the present system is going to be abolished. I can only recommend that in the event of genuine difficulty of an employee to purchase controlled foodstuffs in cash towards the end of a month, the Company should adopt some method by which such sale may be made on credit and the amount recovered from his pay next month.

Issue No. 4.—Special allowance.

(*a*) *City allowance.*

All the Unions have demanded city allowance. The Mazdoor Panchayet has demanded it on the scale recommended by the Central Pay Commission, while the Employees' Union has demanded it at the rate of 10 per cent. of pay subject to a minimum of Rs. 15 per month. The reason for the demand is the abnormal high cost of living in Calcutta. The Central Pay Commission has recommended special compensatory allowance for the cities of Bombay and Calcutta on a sliding scale, according to the pay range, but this has not be done because uniform scales of pay were recommended by the Commission abolishing the distinction between cities and rural areas. But because Government servants transferred to cities like Bombay and Calcutta have to incur heavy additional expenditure. The activities of the Calcutta Tramways Company are confined to Calcutta and its suburbs like Howrah, etc. The basic scales of pay fixed for its employees are the minimum recommended by the Central Pay Commission and such scales of pay were fixed taking into consideration the fact that the employees have to work in Calcutta. It will appear from Sri S. N. Guha Roy's award that he took into account the cost of living index in the city of Calcutta in fixing the basic pay scales of the employees. Apart from that the employees of the Tramways Company get certain other advantages. The Company allows free transport by tram-cars to its employees for attending their places of duty and for returning to their homes within the city or suburbs where the Company operates. The cost of transport in a city like Calcutta is one of the additional items of expenditure which an employee has to incur for working in Calcutta. It must be deemed to be a great advantage to the employees of the Company that they get such free transport by tram-cars. I may mention in this connection that a similar demand for city allowance made by the employees of the Calcutta Corporation was rejected by the Tribunal which recently adjudicated upon the disputes between the Calcutta Corporation and its employees. I accordingly reject the demand for city allowance.

(*b*) *Compensatory food allowance*

This demand was put up by the Mazdoor Panchayet and the Workers' Union. The basis of this demand is that since the Government have reduced the basic rations of controlled foodstuffs the Company should compensate the workers by paying them the cost of additional non-rationed foodstuffs which they require to keep them fit for work. It is stated that 4 seers of foodstuffs is the minimum requirement of a manual worker and that on account of the reduction in the basic rations such a worker has to supplement his diet by purchase of non-rationed food at additional cost, such additional cost being computed at Rs. 11-4 per month by the Mazdoor Panchayet. This appears to be a rather novel demand and it is not understood how the Company is to be held responsible for the reduction of rations by the Government and asked to pay for such supplementary rations that may be required. It is not also clear how it is claimed that 4 seers of foodstuffs constitute the minimum requirement of every workman. In any case since the food concession is being abolished and the rate of dearness allowance which is to be entirely paid in cash is being increased as per sliding scales have been provided, the demand

compensatory food allowance cannot be retained. The demand is accordingly rejected.

(c) *Tiffin allowance*

This allowance is claimed mainly for clerks on the ground that free tiffin is provided for clerks in certain mercantile offices and also on the ground that they do not get any food from the existing canteens. The Employees' Union also wanted supply of free tiffin to all workers from canteens. I do not find any justification for the demand for free tiffin. Though the Company has started certain canteens for supply of tiffin at cost prices, it does not actually allow free tiffin to any of its employees. In the circumstances this demand does not appear to be reasonable and is rejected. The Company is, however, willing to supply tiffin at cost price to clerks and depot cashiers, etc., from the existing canteens provided that the rationing rules do not stand in the way. If necessary, the Company should approach the rationing authorities to get their permission for such supply of tiffin to the clerks.

(d) *Extra allowance.*

Extra allowance for special kinds of work is actually paid by the Company and hence this demand was not pressed at the time of hearing.

Issue No. 5.—Free quarters or house rent allowance.

(a) The Workers' Union has demanded provision for residential quarters for all P.W.D. workers. This is a demand about which a Tribunal can give no direction since the Company cannot be forced to undertake building operations for the benefit of one category of staff. Provision for housing accommodation is not the sole responsibility of the employer and this Company does, as a matter of fact, pay house rent allowance to all categories of staff, as laid down in the award of Sri S. N. Guha Roy. I think therefore that no direction should be given regarding this point.

(b) The present scales of house rent allowance which are paid by the Company in terms of the award of Sri S. N. Guha Roy are Rs. 2-8 for the working class men, Rs. 3-12 for the sub-station attendants and Rs. 5 for the middle class and clerical staff. The Workers' Union has demanded a minimum house rent allowance of Rs. 15 per month. The Employees' Union has demanded house rent allowance at 15 per cent. of the pay subject to a minimum of Rs. 15. The Mazdoor Panchayet has demanded house rent allowance at the rate of Rs. 7 per month for the working class employees and sub-station attendants and at the rate of Rs. 10 for the middle class employees. The Company has objected to any increase in the rates of house rent allowance and has stated that since the date of Sri S. N. Guha Roy's award there has been no such deterioration in the condition of housing accommodation in Calcutta as would necessitate revision of the rates of house rent allowance. I do not think that any revision is necessary as no new circumstance has been brought to my notice necessitating a revision. I should state in this connection that there is no obligation upon an employer to provide free housing accommodation to the employees and that the employees must also be prepared to pay up to 10 per cent. of pay for their housing accommodation. In big cities house rent allowance is paid because ordinarily the cost of housing exceeds 10 per cent. of one's pay. What the Company pays as house rent allowance to the different categories of staff does not seem to me inadequate. The claim for revision of house rent allowances is therefore rejected.

(c) The Company has stated in its first statement (page 4) that during the last war and particularly at the time of bombing in Calcutta the Company rented certain houses in Calcutta for the purpose of providing messes mainly for the Traffic staff as an inducement to them to stay in the city. A list has been filed of the houses thus rented and it is found from the list that there are 15 such houses in different parts of Calcutta in which 658 employees were accommodated in August 1948. The Company further states that during riots accommodation was provided for some of the employees in certain temporary sheds within the depots to assist the employees whose residences in the bustees had been burnt down. The Company wants that these messes and temporary premises should be vacated by the staff and the main ground stated by the Company is that the Company is having troubles with the landlords who sue for ejectment or damages. It is also stated that the houses are being damaged and not properly kept and that these are also being used for meetings. The latter ground was not, however, pressed at the time of hearing. Nothing has been produced before me to show the nature of the troubles to which the Company is being put by the landlords. The Unions have strongly objected to the Company's demand for vacating the houses on the ground that accommodation in Calcutta is not easily available and that if these houses are vacated the employees accommodated therein will be stranded. Similarly it is urged that the employees whose huts were burnt down during the riots will also be in great difficulty, if they are dislodged from the temporary sheds in depots. In the circumstances I agree with the Unions that the Company should not seek to dislodge the employees from the accommodation provided in the rented houses or in the sheds in the present situation of housing difficulty in Calcutta. It is, however, expected that the employees should keep the houses in proper order and use them properly. The permission sought for by the Company cannot therefore be granted and is refused.

Issue No. 6.—Bonus.

(a) *Annual bonus.*

The Unions demanded three kinds of bonus. The first is the annual bonus which the Company has been paying since 1943. The bonus is generally paid at the rate of one month's basic pay. The Mazdoor Panchayet demanded annual bonus at the same rate for the year 1947. The Workers' Union also demanded bonus at the same rate. The Employees' Union, however, demanded three months' wages as bonus. Bonus is generally paid on the eve of the Durga Puja. The Company opposed the demand for bonus in its written statements and also raised the question that bonus was an *ex gratia* payment. It was further stated in the written statements that the Company's profits for 1947 had not been calculated and that as such the question of payment of bonus did not arise. On 10th September 1948, however, the Company issued a notice announcing that the Board of Directors had decided to pay one month's basic pay as bonus for the year. This bonus was actually paid on or about 25th September. In view of the fact that the annual bonus has already been paid the issue regarding annual bonus does not arise. The Company in its notice stated that it was bonus for 1948. It must, however, be taken to be the bonus payable for the previous year, i.e., the year 1947. The Unions want a recommendation from the Tribunal that

the Company should pay bonus at the same rate for 1948 also. I have no doubt that the Company will pay such bonus next year also, if similar profits are earned in 1948 and I do not think that any apprehension need be entertained by the employees of the Company on the point.

(b) Independence Day bonus.

The demand for Independence Day bonus has been made by the Mazdoor Panchayet and the Employees' Union. The Mazdoor Panchayet preferred such a demand for the first time in its letter to the Company, dated 7th April 1948. The demand related to the Independence Day (15th August) of 1947 and the ground for the demand was that most of the industrial and commercial concerns had paid such bonus. It does not, however, appear that any such demand was made on or about the Independence Day, namely, 15th August 1947. The Company has objected that the demand for Independence Day bonus cannot be deemed to be an industrial dispute since it is not connected with the terms of employment of the employees. The Company also stated that this demand was really a political one and the lawyer appearing for the Employees' Union actually supported the demand on political grounds in his arguments. I think that the Company's objection that such a demand cannot be an industrial dispute should be upheld and I may mention that the same view was taken in certain previous awards of Industrial Tribunals. The demand is also belated. It is accordingly rejected.

(c) Attendance bonus.

The Employees' Union has demanded attendance bonus at the rate of three days' wages per month for those employees who attended 24 days or more in a month on the ground that this will work as an incentive to regular attendance. The Company has objected to the demand and stated that attendance bonus cannot usefully be introduced in a Transport Company like this. It should also be noted that this Company pays its employees on monthly basis and not on daily basis as in the factories. Attendance bonus may be necessary as an incentive to the workers employed on daily rates, but I do not think that it will be of much use in the Calcutta Tramways Company. The demand is therefore rejected

Issue No. 7.—Gratuity and pension.

Gratuity has been demanded by all the Unions at the rate of one month's pay for every year of service without any restriction about the minimum length of service. This is demanded in addition to the Provident Fund benefit which has been available to the employees of this Company from several years past. Pension is wanted by the Employees' Union as a substitute for Provident Fund and it is demanded that every employee should be given a chance of electing for the Provident Fund or for the pension. The demand for pension is certainly unreasonable, specially as a substitute for Provident Fund and it must be rejected. In an industrial or commercial establishment such demand is rather extraordinary.

As to gratuity, it appears that there was a Gratuity Fund started by the Company in 1922 for all categories of staff and that in 1935 another Gratuity Fund was started for employees drawing less than Rs. 20 per month. From 1922 to 1942 all members originally in the 1922 Gratuity Fund were allowed to continue in this fund in addition to being in the Provident Fund to compensate for the period 1913-1922 when there was no Provident Fund in existence. In 1942 the accounts of the 1922 gratuity fund were finalised and carried forward to the credit of the members in the Provident Fund. The 1935 Gratuity Fund continued until 1946 when all the employees received a minimum of Rs. 20 and became members of the B Provident Fund. Their accounts were also finalised and carried over to their credit. There is thus at present no Gratuity Fund but the accumulations in the two old funds have been credited to the accounts of the members of these funds. The above history is taken from the second part of the award of Sri S. N. Guha Roy. It is true that at one time the Company maintained both Gratuity Fund and Provident Fund, but that is because of the late introduction of the Provident Fund. A demand was put forward before Sri S. N. Guha Roy that the Gratuity Fund should be reintroduced but this was rejected. The ground on which gratuity is claimed is that it protects an employee against arbitrary retrenchment or dismissal and also that it provides sufficient fund to a low paid employee when he retires or is thrown out of employment. Reference is made to the existence of gratuity and provident fund in the railways and to the recommendations of the Central Pay Commission on the point. In the recent awards of the Tribunals appointed for the Engineering Industries, Jute Industries and Cotton Textile Industries however, it was held that the workmen are entitled to only one kind of retirement benefit and generally the Provident Fund scheme was preferred. Gratuity was only provided to obviate hardships of those employees who did not have the opportunity of earning the benefit of the Provident Fund on account of its late introduction. It cannot be said of the employees of this Company that they have suffered in any way from late introduction of the Provident Fund as they got the benefit of the much earlier Gratuity Funds the accumulations of which were credited to their accounts in the Provident Fund. Hence I cannot agree that the Gratuity Funds should be reintroduced and the demand therefore is rejected

Issue No. 8.—Rates of contribution to the Provident Fund and revision of the rules thereof.

As regards Provident Fund the demand is that the rate of contribution should be increased to 12½ or at least 8½ per cent. of the basic pay. The present percentage is 6¼. This is the generally adopted rate of contribution in industrial and commercial concerns and the abovementioned Tribunals have also fixed this rate in regard to Cotton Textiles, Jute and Engineering Industries. I do not think that any revision of the rate is necessary. Certain other questions were raised regarding Provident Fund which, however, do not appear in the statements or demands of the Unions. For example it was demanded that the Company should provide for representation of the workers in the Board of Trustees of the Provident Fund. Such a demand cannot be deemed to be an industrial dispute and is altogether unreasonable. It is accordingly rejected. The Unions next demanded revision of certain rules of the Provident Fund. Rule 16 of the B Provident Fund provides that in the event of dismissal for misconduct, disobedience, dishonesty, etc. an employee should only be granted the sums subscribed by him to the Fund together with interest thereof. It is demanded that this rule should be abolished and that such an employee should get the whole amount standing to his credit in the account including the Company's contribution. This is, however, a salutary rule and no Company should be forced to pay its contributions to an employee who is dismissed for offences mentioned in the rule. It was next demanded that rule

14 should be changed in order to make the Company's contribution with interest available to a workman even after one year's service. According to rule 14, the Company is bound to pay a proportionate part of its contribution to an employee who voluntarily resigns or retires after completing more than five years' service. The rate is 1/20th for each complete year of service. I find no justification for any change in this rule as the minimum of five years' service enjoined by the rule is quite reasonable and any further reduction of the minimum period would be unfair to the Company.

Issue No. 9.—Hours of duty and overtime payment.

(a) Hours of duty and length of shifts of different categories of staff, specially the traffic staff.

The general demand under this sub-issue is that the hours of duty should be limited to 6 hours and that the duty should be completed in one shift. This demand was first put forward by the Employees' Union in its written statement. This Union proposed that there should be 4 shifts of 6 hours each and that no workman employed under the Calcutta Tramways should be asked to do more than 6 hours' work in a day. No other Union put forward such a demand in the written statement. The Company in its first written statement asked for the Tribunal's direction as to what should be the minimum normal working hours for the traffic staff every week. The Company stated that prior to the communal disturbances and the strike in 1947 the expected normal working time of the traffic staff was 8 hours per day and 48 hours a week. Included in these 8 hours there was an allowance of 45 minutes per shift for taking the car over and the conductor getting his bag, necessary tickets, change, etc., so that the actual platform time of hours worked amounted to 7 hours 15 minutes per 8-hour shift. In the event of an employee being placed on a shift which involved work for lesser period than 8 hours he still received 8 hours' pay. There was provision for overtime payment should the time-table necessitate work for more than 8 hours. Owing to the communal riots and the general dislocation of service and early closing down at night during 1946 and 1947 the men worked considerably less hours, in some cases 3 to 4 hours at the most. But the Company continued to pay them at the same rate. According to the Company, the men now refuse to work their full normal shift of 8 hours per day which the Company wants to enforce and in consequence the actual hours of work now amount to 6 or 6½ hours per day. The Company points out that it is impossible to work any transport system strictly to fixed hours and that some men must inevitably have a shorter shift than others on a particular day and some men must work a certain amount of overtime. Due to the refusal of the men to recognise this in spite of repeated discussion, the Company has been obliged to curtail the tram services. The Company therefore asks for a decision from the Tribunal as to what should constitute the normal working day of the traffic staff. After the Company had raised the question in its first written statement in the above terms, the Mazdoor Panchayet filed a supplementary statement demanding that the hours of duty of the traffic staff should be limited to 6 hours per day in one shift and the Employees' Union also filed a supplementary statement reiterating its demand for 4 shifts of 6 hours each for the traffic and other outdoor staff. The Workers' Union did not raise any demand about working hours in its written statement but at the time of hearing it spported the demand of the other Unions.

Though the demand of the Employees' Union was on general terms, at the time of hearing arguments were mainly directed to the condition of the traffic staff. The hours of duty for all categories of workers under the Tramways Company are 8 hours and so far as the workmen of the Engineering Workshop are concerned, there can be no question that their hours of duty should remain as they are now, namely, 9 hours with one hour's break for lunch. As regards the other categories of workmen nothing specifically was stated about the difficulties of their work and I do not think that it is necessary to change their hours of duty. Only with regard to the traffic staff, namely, drivers, conductors, inspectors and senior staff, it was contended that their work had become very difficult on account of over-crowding in the tram-cars at all hours and that as such 8 hours' duty could not now be enforced in their case. It is said that on account of terrible over-crowding in the tram cars now-a-days the conductors suffer greater strain, since they have to remain standing throughout their period of duty and push through crowds of passengers. It is also stated that the drivers' strain and responsibility have increased owing to greater congestion of traffic on the roads. On account of these changes in the circumstances it is demanded that the hours of duty of the traffic staff should be restricted to 6 hours. It is further stated that generally 2 hours' time is required by an employee for coming to join his duty and going back and that he has to be present at a roll call which takes place a few minutes before the duty commences. There is not much in this contention because the traffic staff are actally brought to their places of duty by tram-cars provided by the Company and the time for coming to join duty or going back cannot certainly be counted within hours of duty. There was no unanimity among the Unions as to whether the 6 hours of duty should include or exclude the allowance of 15 minutes for taking over the cars and bags, tickets, etc., and while the Mazdoor Panchayet conceded that this allowance should be excluded from 6 hours' duty which would mean the actual duty on car, the other Unions wanted to include it within the 6 hours.

The Company's reply is that though there is now over crowding in the tram-cars, there are certain hours when there is less traffic in the cars and that though before the commencement of office hours in the mornings and after the closing of office hours in the afternoons there is over-crowding in the cars going towards and returning from office quarters, there is less congestion in the cars going in the opposite directions at those hours. The Company's case is that the traffic staff is now demanding 6 hours' duty because during the riots and thereafter the hours of tram service were restricted and the traffic staff enjoyed lesser working hours than the normal. From the beginning of this year the Company has been attempting to frame time-tables enforcing 8 hours' work, but the men refuse to work the full 8 hours and in consequence the Company has not been able to increase the tram service. The copies of correspondence filed by the Company show that such attempts were made from the beginning of this year but that the Unions did not agree to the time-tables proposed by the Company. The matter was discussed for a whole day at the time of the hearing of the case and various suggestions were made by the Company to get the Unions agree to time-tables for the traffic staff involving 8 hours' duty, but no agreement could be arrived at.

I am not satisfied that any case has been made out by the Unions for reducing the normal hours of duty from 8 hours per day. It is true that there is now more congestion and over-crowding in tram-cars than formerly but this does not involve

similar strain for the traffic staff at all hours of the day and at noon and at other times there is certainly less congestion in the cars. Besides though the normal hours of duty are 8, actually the traffic staff enjoys some rest during the period when they leave one car and take charge of another car in the depots and the total of such rest periods is at least 45 minutes, if not more. Then again, when the general hours of duty of the tramway employees are 8 hours which, as I have already stated, should be maintained, no change should be made in the hours of duty of the traffic staff. The hours of duty should continue as before and I agree with the Company that the demand for reduction of hours would not have been made but for the fact that full hours of duty could not be enforced by the Company during the past two years on account of communal riots and consequent dislocation of service. It is certainly not fair and reasonable on the part of the traffic staff to insist upon perpetuation of the conditions which the Company was forced to adopt during those abnormal times and to stand in the way of resumption of normal conditions of service. I may mention in this connection that in none of the previous adjudications was any demand made for reduction of hours of duty for the traffic staff to 6 hours.

The next question is how these 8 hours' duty should be distributed in shifts and in what manner the time-table should be framed by the Company. I have before me a proposed time-table of the cars going out from a particular depot, namely, the Gariahat Depot, and running to Dalhousie Square and back. According to this time-table, the first car is to be taken out of the Gariahat Depot at 4-21 a.m. and they ought to return to the depot by 11-17 p.m. at night. Eight cars are to start from the depot at intervals of 10 or 12 minutes from 4-21 a.m. and they ought to return to the depot at intervals of 8 or 10 minutes from 10-35 p.m. to 11-47 p.m. Thus a car has to remain on the road for 17 to 19 hours. According to the Company, duties are generally assigned to the traffic staff like drivers and conductors in shifts of about 7 hours in the morning and of about 8½ hours in the afternoon. The shifts continue for one week and a driver or conductor who is assigned duty in the morning shift in one week has to work in the afternoon shift in the next week. In this way full 8 hours' work is expected of such employees in the course of a fortnight and the lesser hours of work put in in the first week are compensated by greater hours in the second week. The Company state that it is impossible for a transport system to work strictly according to time-table and that it is also not possible to frame a time-table which will ensure exactly 8 hours or any other fixed hour of duty every day in a particular shift. These difficulties in the working of a transport system should certainly be taken into consideration and I cannot agree with the Unions' contention that if the Company cannot provide for full 8 hours work in any particular shift, it cannot expect the workmen to put in more hours by way of compensation in the second shift. It is also pointed out by the Company that unless workmen agree to do some amount of overtime work it is not possible to run a transport system. The Unions, however, refuse to do any overtime work over and above the normal hours of duty. The Company referred in this connection to the first award of Sri R. Gupta who considered this question and gave directions that no worker should be asked, as a rule, to work more than 8 hours a day as far as practicable and that compulsory overtime working should be reduced to the minimum necessary for carrying on smooth working. At the time of argument, the Unions referred to the recommendation of the Central Pay Commission regarding overtime work in the railways and such other departments at page 60 of the report. The recommendation is as follows:—

> "There are certain departments and services where overtime work is well recognised and is almost unavoidable. Some representatives of these services . . . . have attempted to argue that if the department concerned would increase its strength and maintain an adequate leave reserve, overtime work could be avoided. We are not satisfied that this is always practicable except at a disproportionate cost. We appreciate the danger of imposing an undue strain on persons called upon to do overtime work. But all that we can recommend is that such work should be minimised as far as possible and also adequately compensated."

This recommendation makes it clear that the necessity of some amount of overtime work in a transport service was recognised by the Commission. The Unions also agree that in cases of exigencies and emergencies overtime work may be necessary. For example, a car which is on the road may not be able to return to the depot on account of congestion of traffic on the way or on account of some difficulty in the line according to schedule, thus necessitating overtime work for the drivers and conductors in charge of the car. In such cases the Unions are prepared to do overtime work, but they refuse to agree to overtime work being provided for in the time-tables.

As already stated, however, the Company has pleaded inability to draw up time-tables strictly providing for 8 hours' work in one shift for all employees. There must be less work, even if only for a few minutes, in one shift and more work in another shift. This appears to be true as a reference to the proposed time-table of cars taken out of Gariahat Depot, already mentioned, will make it clear. According to it, car No. 1 which is to be taken out of the Gariahat Depot at 4-21 a.m. and from Ballygunge Depot at 4-28 a.m. is scheduled to return to the Ballygunge Depot at 12-28 p.m. after completing 6 journeys. This means a time-table of 8 hours' duty with at least 7 minutes' overtime. The same car would leave Ballygunge Depot again at 12-34 p.m. and return to Ballygunge Depot after 8 hours at 8-28 p.m. This means a time-table of 8 hours' duty with 6 minutes less. I think that a little overtime work like this arranged in time-tables should not be grudged by the employees as it is unavoidable for running of the tramways. The Company has agreed to certain guarantees regarding overtime work in order to minimise it as far as practicable. The first guarantee is that even when overtime work is required of an employee the total of the normal daily hours of duty and the overtime required will not be more than the total number of hours of duty at the rate of 8 hours a day calculated by the month, *i.e.*, not more than 208 hours in a month calculated on the basis of 26 working days for the traffic staff (with one day off after six days of duty). The second guarantee is that overtime work will not be required of any employee for more than 7 days in any month or more than 2 hours on any day. The third guarantee is that the Company will not make any retrenchment of traffic staff consequent on introduction of this time-table. I think that these guarantees are fair to the workers and ensure the minimum amount of overtime work and also ensure that an employee will not actually be required to work for more than 208 hours in a month which work out at 8 hours per days, though it may be that in one shift he may be required to work a little less than 8 hours and in another shift he may have to work a little more than 8 hours. Though he may in this way actually work not more than 208 hours in a month, he will still

d for overtime work done on any particular
eyond 8 hours. The Unions have refused to
to this arrangement for overtime work or
ept these guarantees. But all that I can
that they were not fair in such refusal. I
that the rules and the guarantees mentioned
will ensure minimum overtime work with
ent. It is certainly necessary that some
should be substituted for the present con-
which the Company terms as chaotic. If
nployees refuse to work according to the
able which will be drawn up on the basis
above principles and guarantees, then the
any proposes that the wages should be linked
rs of work actually put in calculated accord-
months, and that any employee doing less
208 hours of duty in a month of 26 working
will have a proportionate reduction of wages
spite of the above guarantees any employee
l be so unwise as to refuse to work the time-
I think that this position cannot be avoided.
ordingly direct that in the event of any
yee refusing to carry out his duties under
me-table which will be drawn up according to
bove principles his wages will be liable to
rtionate reduction, if he be found to have put
s than 208 hours of duty in a month.

ours of duty at night for Permanent Way Department staff and others

s question was also raised by the Company in
st written statement. The Company wanted
Tribunal's direction as to what amount of
work should be carried out by the Permanent
Department and certain depot workers and
at rate payment should be made. The ques-
of payment will be considered hereafter. As
ds night work by the P.W.D. staff, the
any states that prior to the War period and
ommunal disturbances regular system of night
used to be carried out by the P.W.D. and
depot workers, but that at present considera-
trouble is being experienced with the P.W.D.
who have been refusing to carry out night
although the Company pays for night work
rate of $1\frac{1}{2}$ times the normal wage. According
arrangement with the Workers' Union, night
is now confined to one week in a month. The
ony states that it is essential that the major
on of the work of the P.W.D. men should be
at night, because with the amount of traffic
he streets in the day-time it is extremely
ult to carry out work on the roads without
ng great congestion and that furthermore it is
ssible to do such work as changing of lines and
ding new junctions during the day-time. It is
o pointed out by the Company that night work
ss dangerous for P.W.D. workers than day
when there is chance of their being injured
tram-car or motor traffic and that night work
ause less obstruction on the roads. The
pany therefore proposes that the men should
continuously at night but on a rotational
on weekly night shifts. Since night work
ually being carried on by the Company and
been in existence from before, such work must
reated as part of the normal duties of the
D. employees, according to their terms of
oyment. Taking into consideration the
nds urged by the Company I think that there
o justification for employees to refuse night
The Workers' Union wanted total abolition
night shift, though it had already agreed to
week's night shift in a month. The Em-
ees' Union agreed to night work by rotation
ondition that night work should be paid for at
le rate. The Mazdoor Panchayet also agreed
ight work for one week on condition that it is
for at double rate. I think that such work on
tational basis, *i.e.*, on alternate weekly night
s, will not cause much strain to the workmen.
erefore, agree with the proposal of the Company
and direct that the Company can introduce continuous night work on a rotational basis on weekly night shifts. No worker should be put in for more than two night shifts in a month. Payment for work in the night shift should be made at the rate of one and one-third of the ordinary pay. The Company should also provide tram-cars for taking the night shift workers to their places of duty and back.

(c) *Abolition of double shift duty.*

This applies to senior traffic staff, namely, Inspectors, time-keepers, starters and jamadars. The present position is that such senior staff work for 8½ hours on a double shift. The first shift is from 5-30 a.m. to 10 a.m., the second shift is from 10 a.m. to 2 p.m., the third shift is from 2 p.m. to 6 p.m. and the fourth shift is from 6 p.m. to 10-30 p.m. Each member of the senior traffic staff does either the first and the third shifts or the second and the fourth shifts. The demand for reduction of the duties of the senior staff to 6 hours has already been rejected. Their duty should be for 8 hours and in this sense reduction of duty by half an hour is necessary. The double shift should be abolished as it seems to be very unpopular and the hours of duty should be continuous from 5-30 a.m. to 1-30 p.m. and from 2 p.m. to 10 p.m., if the Company chooses to stick to the present hours of commencement of duty. It will, however, be better if the first shift commences at 6 a.m. and ends at 2 p.m. and the second shift runs from 2 p.m. to 10 p.m. I may mention in this connection that the Company made a suggestion that split duty was introduced because the Inspectors did not want to do continuous duty for 8 hours. This is, however, denied by the Unions and there is no evidence on the point.

(d) *Grace period for attendance.*

The Unions want a grace period of 20 minutes every day for attendance at the workshop, Head Office and the depots. They also want that a late-comer's explanation should be taken for being late before he is marked late. The Mazdoor Panchayet had, however, demanded in its statement only 10 minutes' grace. The Company submits that there is some provision for grace period for attendance of the Engineering and some other staff. I find from the copies of the rules submitted by the Company that 60 minutes in a month are allowed as grace period for attendance of the sub-station staff, 100 minutes in a month are allowed to clerks of the Engineering Department and the Head Office and 5 minutes every day are allowed to workmen of the Engineering Department. As regards the uniformed traffic staff, 4 minutes' grace period on three days a month are allowed for late attendance. The Company contends that for traffic staff no grace period can be allowed because if one is late the whole time-table will be upset and the cars would not run according to schedule. I think that the grace period allowed to the sub-station staff, to the clerks of the Engineering Department and the Head Office, and to the workmen of the Engineering Workshop is sufficient. For the uniformed traffic staff also there should be a grace period as in the case of the workmen of the Engineering Workshop, namely, 5 minutes per day. The traffic staff generally attends the roll call several minutes before the cars are scheduled to be taken out and a grace period of 5 minutes for late attendance will not affect the time-table, since 4 minutes' grace on 3 days a month is already being allowed. Another point raised was that if a man of the traffic staff misses the first roll call on account of late attendance he has to wait for a considerable time for being given work. This, however, cannot be avoided because in each roll call the actual number of men required and some men in excess are summoned to appear and certainly the Company cannot provide for a late-comer at

the expense of another man who has punctually attended his roll call. Late-comers can only be provided in the subsequent roll calls if there occur vacancies on account of some of the men summoned not having turned up.

(e) Tiffin interval and off duty period.

Tiffin interval for the traffic staff has been demanded by the Unions but in the very nature of things such interval cannot be allowed because it will stop running of tram-cars for a considerable time and upset the time-table. The traffic men, as already stated, get about 45 minutes' rest divided into periods of 10 or 12 minutes during which they can take their tiffin. No doubt they have to take charge of the cars and of the bags and tickets during this interval of 10 or 12 minutes, but still some time must be available to them for taking their tiffin. The demand is therefore rejected.

(f) Rates of payment for overtime work for all categories of staff (i) On Sundays and gazetted holidays, (ii) at night, (iii) on ordinary week days.

Though this issue has been cast in this form, the Unions have not actually demanded three different rates of payment for overtime work of these three kinds. They have, on the other hand, asked for one rate of overtime payment, namely, at the rate of double the ordinary rate. The demand is made for all categories of staff on hourly basis irrespective of the fact whether such work is for one hour or for less than an hour. The senior staff men are at present paid by the month for overtime work done throughout the month on hourly basis. The demand is that they should also be paid at double rates on daily basis, according to the hours of overtime work put in on a particular day. The present position is that the Company pays for overtime work at ordinary rates of pay to traffic staff, senior staff and other such staff excepting the employees in the workshop to whom double rates are paid according to the provision in the Factories Act. So far as the traffic staff is concerned overtime work is paid for at the rate of 2 hours per day as the minimum. Thus even if the overtime work done on a particular day by any traffic staff consists of a few minutes, he is paid two hours' wages for such work. The Company raised in its first written statement the question at what rate overtime work should be paid for and proposed that as in the case of the senior staff payment for overtime work should be made by the month and also alternatively proposed that it might be made per week. At the time of hearing, however, the Company agreed to continue to make payment to the traffic staff, according to the present system, *viz.*, at the rate of 2 hours' wage as the minimum. It is not therefore necessary to change the present method of making payment for overtime work. The only question which is now to be decided is at what rate the payment should be made, whether it should be made at ordinary rates, as is now in vogue, or at double rates, as demanded by the Unions or at any other rate.

The Central Pay Commission made the following recommendation at page 60 of the report (paragraph 100) regarding monetary compensation for overtime work:—

> "We do not think that the general claim for twice the normal rate for all kinds of work is justified. In some cases, especially in the case of clerical work, a mere time rate for the extra hours will probably suffice. In certain other cases, one and a half times the normal rate will be reasonable. Where the overtime work involves special strain or exceeds a certain limit or involves prolonged employment during night, the compensation may go up to as much as twice the normal time rate."

I find no justification for the claim for o rate of payment for overtime work done by traffic and other such categories of staff on days or holidays, as it does not appear that time work in their case involves any sp strain. As already stated in Issue No. 9 (a) limit of such work will be 2 hours on a day cannot, therefore, accept the claim for d rates for such work. I think, however, something more than the ordinary time rate sh be paid for ordinary overtime work of the t and other staff as such work is really compu overtime work and the employees are unwi to perform such work. The Company h system of payment for normal night work at rate of one and one-third of the ordinary ra pay. I think that it will be sufficient if the for overtime work for the traffic and other staff is fixed at one and one-third of the no rate, as is paid for normal night work. I stated before that the Company pays 2 h wages to the traffic staff for overtime work for a few minutes. The Company is agreeab continue this system of payment. This sy therefore, need not be disturbed, but in the of such overtime work exceeding 1½ hours, ment of 2 hours' wages for more than 1½ h work will work out at less than one and one-t of the ordinary rate and so for all such over work exceeding 1½ hours payment will have t made at the rate of one and one-third of normal rate of pay. For work below 1½ h payment will continue to be made at normal for 2 hours' work, as at present. For over work at night, as distinguished from the no work on the night shift, which may be of a longed character, payment should be made double the rate of the ordinary pay.

Sri R. Gupta in his award provided for ment to depot cashiers at the rate of Rs. 3 work on the gazetted holidays. The Compan continuing to pay them for overtime work at rate. It has been said that this overtime rate fixed at double the rate of their ordinary pay, there is nothing in the award to that effect Union demanded that the rate of payment depot cashiers should be raised to Rs. 5 per on holidays. I find no justification for demand. If, however, the present rate of ment works out at less than one and one-third the ordinary rate of pay in the case of any d cashier, he should be paid what amounts to and one-third of his ordinary rate of pay for w on the gazetted holidays, since this is overt work. Another point raised was that cer employees are asked to work on off-days. Company's case is that such an employee is actually required by the Company to work on off-day but that frequently he himself volunt to work for additional gain. It was argued the Company that if anybody volunteered to w on an off-day, he should not expect to earn m that the ordinary rate of pay for that day cannot, however, agree to this. Whether employee volunteers or not, if he is employed do any work on any off-day or holiday, such w must be deemed to be overtime work and he sho be paid therefor at the rate fixed above extra payment for night work would not, howe be available to employees like the depot cashi sub-station staff, telephone operators and oth who have to do normal shift duty at night. will only to available to the P. W. D. and s other staff who will be employed in the ni shift on a rotational basis, as mentioned in I No. 9(*b*).

(g) Method of computing payment for work

The method of computing payment for overti work has already been explained above and ne not be reiterated here.

Issue No. 10.—Leave for all categories of staff.

(a) *Privilege leave; (b) Casual leave, (c) Medical and Injury leave; (d) Quarantine leave, (e) Holidays and weekly off-days.*

The Company has provided for different kinds of leave for different categories of employees. Those who enjoy gazetted or other holidays get less amount of leave than those who do not enjoy such holidays. In the Engineering and Permanent Way Departments workmen get 12 gazetted holidays with pay every year and so they have 14 days' privilege leave and 7 days' casual leave. The clerks of the Engineering Department who also get such holidays are entitled to 14 days' privilege leave up to 8 years of service, 21 days' privilege leave from 9 years to 14 years of service and 28 days' privilege leave from 15 years of service. Besides they get 7 days' casual leave. The Head Office clerks get Bank holidays. They enjoy 21 days' privilege leave and 10 days' casual leave. The traffic uniformed staff and the depot cashiers do not enjoy any gazetted holidays. They get 21 days' privilege leave up to 15 years of service and 30 days' privilege leave from over 15 years of service and casual leave for 10 days. The sub-station attendants also do not get any holidays and enjoy privilege leave for 21 days up to 8 years of service, for 24 days from 9 to 14 years of service and for 28 days from 15 years of service besides casual leave for 10 days. In some cases privilege leave on full pay is convertible to leave on half pay for double the period. Such leave may also be accumulated for 2 years. The general demand of the Employees Union and the Mazdoor Panchayet is that all employees should get 1 month's privilege leave and 15 days' casual leave. The Workers' Union has also made this demand for workers of all departments excepting the Engineering Department. In respect of this department the Union has asked for 14 days' privilege leave up to 5 years of service, 21 days' privilege leave from 5 to 10 years of service and 1 month's privilege leave for over 10 years of service. Objections have been taken to the rules for casual leave and it has been generally demanded that the leave rules should be simplified. Other kinds of leave have also been demanded, namely, sick leave, for 15 days with full pay by the Workers' Union and Mazdoor Panchayet, and for 1 month with full pay and with half pay thereafter by the Employees' Union. The Company grants leave for injury sustained on duty at half the rate of pay. The Unions have demanded full pay for absence due to injury. Finally the Workers' Union has demanded quarantine leave with full pay. Gazetted holidays were also demanded but it was stated that this demand should not be pressed, if payments for work on such holidays were made at overtime rates.

As regards the length of privilege leave the main grievance of the Unions is that the Company allows more such leave to employees of one department than to those of another. It is accordingly demanded that all employees should have the same kind of privilege leave the period demanded being 1 month or 30 days which is the maximum now allowed by the Company to one category of employees, viz., the traffic staff. There is, however, justification for the existing differences in the conditions of leave and, as already indicated, more leave is enjoyed by those employees who do not get the gazetted or Bank holidays. The justice of this arrangement was appreciated by both Sri R. Gupta and Sri S. N. Guha Roy and they therefore did not make any change in the leave conditions of the Company. I do not also think that any change is necessary. Certainly those employees who enjoy holidays should have less leave than those do not enjoy such holidays, whether it be privilege leave or casual leave. The next attack of the Unions was directed against the system of older employees getting more leave than newer entrants. So far as this system is concerned, it will appear from what has been stated above that the rules of the Company are not uniform. Thus in the Engineering Department while all workmen get 14 days' privilege leave and 7 days' casual leave irrespective of the length of their service, the period of leave enjoyed by the clerks varies with the length of their service. The clerks of the Engineering Department and the sub-station attendants have been divided into three categories for the purpose of leave, according to the length of their service, while the traffic uniformed staff and the depot cashiers have been divided into two categories only for this purpose. I think that the division of employees into two categories according to length of service for the purpose of leave is more appropriate than division into three categories. I do not, however, approve of the total abolition of the system of considering the length of service in calculating the period of leave and I cannot accede to the demand of the Unions that all categories of employees should be entitled to the maximum period of leave sanctioned for a particular department irrespective of the length of service.

I would, therefore, direct the following changes in the conditions of leave: For the purpose of leave the clerks of the Engineering Department should be divided into two categories and 21 days' privilege leave should be allowed to those who have put in 1 to 14 years of service. This means that those who have put in 1 to 8 years of service will be placed on the same footing as those who have put in 9 to 14 years of service. Those who have put in 15 years of service will continue to enjoy 28 days' privilege leave. Similarly the sub-station attendants should also be divided into two categories and those who have put in 1 to 14 years of service will get 24 days' privilege leave—the distinction between those with 1 to 8 years' service and those with 9 to 14 years' service being abolished. Those who have put in 15 years of service will continue to get 28 days' privilege leave as at present.

As regards casual leave I do not propose to make any change. The Company allows such leave not only to the employees who have completed 1 year's service but also to those who have not completed 1 year of service with pay proportionate to their length of service. It even makes payment for unavailed casual leave during one calendar year in the year next following. The Company has a rule for the Head Office staff that casual leave may be applied for any period up to and including 7 days at one time. The rule regarding other departments is not, however, uniform. The Company has agreed to introduce the same rule in all departments. The Company should, therefore, allow casual leave up to a period of 7 days at one time to all kinds of employees who may be in need thereof. There is a rule that casual leave cannot be combined with any other kind of leave and there is another rule that application for casual leave should be made by 12 noon on the day prior to the commencement of the leave. Objections have been taken to these rules by the Unions. I do not however, think that any change should be made in the rule prohibiting a combination of casual leave with any other kind of leave, as such a rule obtains in all Government departments. As regards the other rule I think that the Company should also make provision for exceptional circumstances in which casual leave cannot be applied for one day in advance. As a matter of fact the Company allows casual leave in such exceptional circumstances, as the rules show. The Company should treat as casual leave any

absence due to unforeseen circumstances for which timely notice could not be given, provided that such leave is due. Objections were also taken to some of the rules regarding privilege leave but I find nothing objectionable in them. Privilege leave on full pay can be converted into leave on half pay for double the sanctioned period. This is a very salutary provision introduced by the Company.

The Company objected to sick leave demanded by the Unions and also to full payment for absence due to injury. I cannot accede to the demand for full payment for absence for injury, as what the Company pays is not less but more than what is provided in the Workmen's Compensation Act for temporary disablement, considering the pay scales of the employees. The present system of payment at half rates should be retained. As regards medical leave the Company has argued that since the total period of leave available to the employees is quite liberal any further leave for sickness is not called for. I think that this contention should be accepted. The total period of leave including privilege leave and casual leave will amount to 28 days for even the new entrants, according to the directions given above, excepting in the case of the Engineering Department workers. Sick leave on half pay was sanctioned by the Engineering Industries Tribunal, the Jute Tribunal and certain other Tribunals simply because the total period of privilege leave sanctioned was not more than 14 or 15 days. In the present case therefore no provision for sick leave is necessary and the demand is rejected. The Company has made a provision that medical leave approved by the Company's Medical Officer may be converted into paid casual leave or privilege leave or both, if due, and that payment for any medical leave in excess of the recognised leave allowance may be considered under special circumstances. I think that this provision ought to be sufficient. Quarantine leave is not actually leave as an employee on quarantine is supposed to be on duty according to Government rules. No leave can therefore be sanctioned under this head. The Company may, however, adopt some rule regarding quarantine on the lines of the Government Rules.

As regards holidays and weekly off-days the Company has got provision for weekly off-days for employees who do not get holidays on Sundays. As I have already stated, holidays cannot be provided in certain departments. But in compensation for that the employees get additional leave as in the case of the Traffic Department, the depot cashiers and the sub-station staff. The Workers' Union demanded one and half weekly off-days but at the time of argument this demand was not pressed. This was certainly a most unreasonable demand and it was wise not to press it.

Issue No. 11—Conditions of service.

(a) Permanency of the temporary staff; (b) Abolition of the system of appointment of temporary staff and replacing it by a system of appointing probationers and apprentices.

On these sub-issues the demand is that no one should be appointed by the Company on a temporary basis at all but that a system of taking apprentices and probationers should be introduced and training given to them and that such probationers should be made permanent after 6 months' employment. The Unions have referred to the second award of Sri R. Gupta which provided for permanency after 1 year's continuous service and have complained that in order to avoid making permanent appointments, the Company discharges temporary staff before they complete 1 year of service. Sri R. Gupta recognised in his award that the Company had to undertake temporary kinds of work from time to time for which temporary staff was necessary and that it was not possible to ask the Company to make such staff permanent. He, however, directed that staff employed on a temporary basis in departments which are not by their very nature temporary should be made permanent after 1 year of service. The Company's case is that this rule applies to normal staff employed for doing normal work and does not apply to work which is not normal to a tramway system. In its first written statement the Company has enumerated the kinds of temporary work which it has to undertake from time to time and has stated that the temporary staff employed for such work has necessarily to be discharged. The Company has further stated that if this rule is to be followed, then it will have to discharge such temporary men before they complete a year of service irrespective of whether the work was completed or not. In the P. W. Department the Company maintains a temporary staff for seasonal work and it is stated that it is not possible to make them all permanent. As a matter of actual practice, according to the Company, when one temporary job is finished and a temporary man is discharged the same man is taken in for other temporary work, if there is any in hand at the time or is undertaken later. Permanent vacancies are usually filled from the temporary men, if there are suitable ones available. I recognise the difficulties of the Company but, after all, there must be some limit to the length of a temporary job. It is not fair to the workers to employ them temporarily year after year without any security of service. I direct that the rule laid down by Sri R. Gupta should be strictly followed by the Company and that a worker who has put in 1 year's continuous service as a temporary worker should be absorbed in a permanent job, unless the work relates to a department which by the very nature of it is a temporary department.

(c) Filling up of vacancies in grades and cadres by promotion.

It is stated by the Unions that certain vacancies in the permanent grades have not been filled up by the Company. The Company, however, states that there are no vacancies in Grade III and that on the other hand there is surplus of men in that grade. There are only certain vacancies in Grade II which are to be filled up by promotion from Grade III. It is not desirable that vacancies should be allowed to remain in a grade and the Company is directed to fill up the vacancies as early as possible.

(d) Creation of the cadre of supervisors between the cadres of foremen and charge-hands.

The demand on this sub-issue is that some of the skilled mistries in the Engineering Workshop should be promoted to the posts of supervisors so that they may ultimately be absorbed as charge-hands or foremen. The Company has, however, no such posts as supervisors. The Unions want such posts to be created to afford chance of promotion to the mistries. I do not, however, see any necessity for creation of any new posts because, as a matter of fact, according to the Company's statement, mistries have been promoted to the posts of charge-hands or foremen. It is not true, as the Unions have stated, that charge-hands or foremen are always recruited from outside. The Company's statement contains names of persons who have been promoted to such posts. The demand for creation of a new grade is therefore rejected.

(e) Promotion of leather bag clerks to the posts of depot cashiers and of menial staff to the posts of supervisors.

Leather bag clerks or checkers have actually been promoted to the posts of depot cashiers in the past and there is nothing in the Company's

, to bar such promotion. The Unions want all such checkers should be so promoted and no depot cashier should be recruited from ide. There cannot be such a hard and fast and it is sufficient to recommend that the ıpany should promote leather bag checkers to posts of depot cashiers as far as practicable Company has also agreed to the same. The t demand on this issue is that the menial staff which are meant flag men, points men and car ners should be promoted to the posts of supervors. Actually the Company has no posts of ervisors, but there are posts of jamadars who promoted from drivers and conductors The ıpany states that since jamadars are promoted m drivers and conductors there cannot be any ision for promotion to such posts from menials. tually what is demanded by the Unions is that re should be a separate category of menial ervisors recruited from them. I cannot accede such a demand and there seems to be no necesy for it. The demand is accordingly rejected.

Definition and classification of the duties of charge-men, assistants, charge-hands and jamadars.

In every sub-station there are two switch board tendants, one of whom is senior to the other. ne Unions state that the senior man is placed in arge of the sub-station as charge-man and is ade fully responsible for the work there, though does not get any extra remuneration for it. ne Unions demand that special remuneration or lowance should be sanctioned for the senior man. he Company, however, denies that the senior an in the sub-station is called a charge-an or is placed in charge of the sub-station ctually a charge-man is a higher grade employee ho is put in charge of two sub-stations. The ompany also denies that the senior man in the ub-station is held responsible for the work of the ub-station. According to the Company, both the ub-station attendants, whether senior or junior, re equally and jointly held responsible for the ork of the sub-station. There is nothing to show o the contrary. This being the position, the enior man of the sub-station is not entitled to any xtra allowance.

As regards charge-hands it is stated by the nions that they are asked to go to Nonapukur Workshop and take instructions from the Engineer bout their duties on off-days on which they are ot supposed to do any work. The Company enies that charge-hands are required to attend he Nonapukur Workshop on off-days and arantees that charge-hands should enjoy their f-days completely without being required to tend any office or workshop. If any charge-man as in the past been called upon to attend the onapukur Workshop on an off-day, this must ave happened in breach of the rules and practice nd, in the event of such things happening in the uture, the Company undertakes to look into the atter and set it right on a complaint being made.

As regards jamadars the main grievance of the nions is that they are required to take out cars nd work as drivers when there is a dearth of rivers. There seems to be strong objection to a amadar working as a driver because jamadars elong to a superior cadre and because this revents engagement of more drivers by the ompany The Company's reply is that jamadars re required to take out cars only in an emergency hen there is a dearth of drivers and reservists. do not think that it will be possible to make any le prohibiting employment of jamadars as ivers in all circumstances. I am prepared, however, to direct that the Company should confine such employment to the minimum necessary, in the event of any emergency, and should not ordinarily employ them at all to do the work of drivers.

(g) Mutual interchange of duties and rules for special duty.

The demand on this sub-issue is that the Company should allow mutual interchange of duties more freely and without any condition, as recommended by Sri R Gupta in his award. The Company at present allows it for 2 days in a week or 7 days in a month on timely notice being given. I do not think that there will be any difficulty, if the Company allows it for more than 2 days in a week or 7 days in a month, though I do not agree that the employees can as a matter of right demand accommodation in this manner in all circumstances. I would, therefore, direct the Company to allow mutual interchange of duties for at least 15 days in a month on proper and timely notice being given.

As regards special duty which is light duty allotted to employees in special circumstances, the Unions' grievance is that such duty is not allotted to an employee who really deserves it on account of old age or indisposition but that it is allotted to those employees whom the Company wants to favour The Company's reply is that special duty is not any kind of normal duty but a kind of light duty specially created for a time for an employee who has been injured or who otherwise is not able to do time work There is no such thing as continuous special duty obtaining all the time The Company claims the right and discretion to decide who is entitled to special duty. Since, according to rules, the Company allots special duty only to injured or sick employees, there is nothing further to be done in the matter. If in practice this rule is not strictly adhered to, the Unions can always bring the infringement of the rule to the notice of the Company and it is expected that the Company will set the matter right.

(h) Posting in the proximity of residence and abolition of the rule of residence of the sub-station staff near their places of duty.

The Unions demand that the employees should be posted in the proximity of their residences and insist that this is necessary since mutual interchange of duties is not allowed. I have already directed an extension of the period of mutual interchange of duties and I do not think that any hard and fast rule can be made directing the Company to post employees near their residences, because there may not be suitable vacancies in the neighbourhood and because this is a matter in which the Company should have full discretion. It is certainly impossible to accommodate all employees in this manner. But the Company is agreeable to put a newly appointed recruit near his residence, if he applies for such posting, and keep him there as long as practicable. The Company also agrees to consider any application for transfer near one's residence and grant such application, if a suitable vacancy is found. I think that this should be sufficient to meet the demand.

As regards the sub-station staff, the Company generally appoints men who have got residence near the sub-stations But thereafter the Company does not insist on a sub-station attendant having his residence near the sub-station to which he is posted Since a sub-station attendant has to remain in the sub-station during the night, it cannot be said that the rule followed by the Company regarding appointment is unreasonable. Anyhow, the Company does not insist upon this rule after a sub-station attendant is once appointed. Nothing need therefore be done in this matter.

(i) Formation of Service Board.

On this sub-issue the demand is that the Company would form a Service Board with the representatives of the Unions for recruitment, promotion, discharge and dismissal of workmen. The Company opposes the demand since it means interference with the Company's right and discretion in the matter of recruitment, promotion and discharge of its employees. The demand amounts practically to claiming a share in the administration of the Company's affairs and as such it cannot be allowed. Besides, such a demand cannot be deemed to be an industrial dispute within the meaning of the Industrial Disputes Act.

Issue No. 12.—Medical facilities and free medicines and medical diet.

The Unions' grievance on this issue is that the Company has not yet started dispensaries as recommended in the award of Sri R. Gupta. The Unions want four dispensaries to be started in Calcutta and one at Howrah. The Unions also want free supply of medicine from the dispensaries and cost of medicines which they may provide for themselves from outside. They also want hospital facilities and a hospital with 50 beds. There are at present three dispensaries—one at Kidderpore, one at Nonapukur and one at the Head Office. The Company states that it made arrangements for starting a dispensary at the Galiff Street Depot and constructed sheds therefor but that during the riots the employees occupied those sheds. On account of want of accommodation this dispensary could not be started. The Unions suggest that a dispensary might be started at Belgachia Depot. I think that it will not be difficult for the Company to find room for starting a dispensary in North Calcutta, as recommended by Sri R. Gupta. It can specially construct a shed, if necessary, or hire a room. Since the Company does not deny the necessity of a dispensary in Northern Calcutta I would direct the Company to start such a dispensary as early as possible. The Company demanded that the workers should vacate the sheds meant for the dispensary at the Galiff Street Depot but the Unions say that these are occupied by workers whose huts were destroyed during the riots and that it is impossible for them to remove elsewhere and find alternative accommodation. In these circumstances I do not think that the workers should be forced to vacate the sheds. This dispensary should be started as early as possible and preferably within three months from the date of the award. As regards the demand for hospital for the employees the Company denies any obligation to start it. The Company also denies liability to provide free medicine or diet from outside. I cannot accede to the demands for hospital and for the cost of medicine and diet. These demands must be rejected. Some complaints were made against the medical staff in the dispensaries. The Company should look into the complaints and arrange for surprise inspections of the dispensaries from time to time.

Issue No. 13. Provision of cheap food canteens and improvement of the condition of the existing canteens.

The demand on this issue is that the existing canteens which supply tea and light refreshments should be converted into food canteens for supply of full meal to workmen. The question of canteens was first adjudicated upon by Sri R. Gupta and he recommended that canteens for supplying tea and light refreshments should be started at the Company's work shops and depots wherever practicable. These have already been started in pursuance of Sri R. Gupta's award and all the depots have now got such canteens. The Company objects to supply of cooked meals from the canteens and states that such food canteens are not likely to benefit traffic and the depot staff because they work staggered duties and return home after completion of their duties. It is also stated that the traffic and depot staff generally, live close to their duties. Sri R. Gupta remarked in his award of 1944 that canteens for supply of full meals were not greatly in demand. There is room for doubt whether they are in great demand even now because the Workers' Union demanded at the time of hearing that the Nonapukur canteen only should be converted into a full-fledged food canteen. The demand at the time of hearing was mainly for varieties of food and better kind of food. The Company states that at Nonapukur it employs about 1,200 men and that it has not sufficient space there for making arrangements for feeding 1,200 men. It is also stated by the Company that full meals will cost so much that such food canteens are not likely to be popular. I do not think that I can give a binding award in these circumstances for starting a full-fledged food canteen at the Nonapukur Workshop. I would, however, recommend that the Company should investigate the position further and find out whether it can find space and start a food canteen at Nonapukur, if there is a general demand for it. I leave the matter to the Company for the present. I see not also see any necessity for converting the canteens at the depots into food canteens for supply of meals. The demand is rejected. The Unions complained against the management of the canteens and the quality of the food supplied. As regards management Sri R. Gupta recommended that the canteens should be run by the Company and managed by the representatives of the workers under the supervision of the Company's Labour Officer. The Company states that this is actually being done. The Company has no objection to the workers' representatives managing the canteens. The Company should, therefore, set up a committee to manage each canteen with representatives of the workmen. This committee will decide the menu and should take measures to improve the conditions of the canteens. Food should be supplied from the canteens at cost price as at present.

Issue No. 14.—Provision of additional amenities

(a) Free uniforms for the menial staff and others

The demand on this issue is that the Company should provide free uniforms for certain categories of staff who do not at present get any uniforms. Mainly the demand is put forward on behalf of the P. W. D. workers, trolly-men and points men of the Engineering Department and certain outdoor workers. The same demand was made before Sri S. N. Guha Roy but he rejected it. The Company no doubt provides uniforms for some of the traffic staff but, as observed by Sri S. N. Guha Roy, this is done because the provision of free uniforms adds to their efficiency and enables the members of the public to recognise them without any difficulty as tramway employees. In the circumstances I cannot accede to the demand for free uniforms to the staff mentioned by the Unions. The Company cannot be forced to provide uniforms or warm clothings to some categories of staff simply because they are out-door workers.

(b) Provision of camp cots, bedding and mosquito nets for certain categories of staff

This demand was not pressed at the time of hearing and it was stated by the Unions that they would take up the matter with the Company directly.

(c) Supply of watches to the senior staff

The senior staff like Inspectors, etc., have to keep watches in order to record timings in their reports. The present practice is that watches are supplied to such staff at Rs. 50 each and the price is realised

m them by deductions from their pay in easy alments—the instalments being generally 10 in nber. The Unions' demand is that if watches necessary for the senior staff for due performce of their duties it is for the Company to pply them free. No such demand appears to have n put forward in any of the previous adjudicans. The Company states that it has found from d experience that items of property given free the staff are not appreciated and that it is all more difficult to supply watches free as such tches will not only be used by the senior staff ile on duty but also when they are off duty. e Unions' argument is that watches should be sidered as tools which are necessary for the formance of the Company's work and that even the Company cannot supply them free, it should ke arrangements for supply of watches during ty and their return after duty, as in the case of ther bags, etc. The Company states that such arrangement will be most inconvenient as the ff will not in such event take proper care of the tches and that an unending stream of watches ll probably be coming for repairs, if such arrangeent is made. I think that there is much truth the arguments advanced by the Company. In e case of a property like a watch, certainly much ater care will be taken of it by a person to whom e watch belongs than by a person who only uses while on duty without being the owner of it. he present arrangement has been in existence for long time past and the Company states that body ever protested against it in the past. The ice of Rs. 50 for a watch is also not considerable nder present conditions. I think, however, that e Company should increase the number of instalents and realise the price of a watch in 20 instead f 10 monthly instalments. Subject to this the emand is rejected.

ssue No. 15.—Provision of additional sheds, goomties, lavatories, latrines, telephones, electric fans, etc.

his matter may very well be left to the Comy, and I would only recommend that the mpany should provide additional sheds, goomties, atories, latrines, telephones or electric fans as as practicable, according to the necessity of h case.

ue No. 16.—Recognition of the Calcutta Tramways Employees' Union.

The Employees' Union states that it was registed in 1943 and that in 1948 it applied to the mpany for recognition. The Company states t it never heard of this Union until recently. its written statement the Company stated that useful purpose would be served by recognition a third Union in addition to the 2 Unions eady recognised. At the time of argument, wever, legal objections were taken to the demand recognition. The first objection is that the mand for recognition is not an industrial dis-te and the second objection is that since the ended Trade Unions Act has provided a achinery for compulsory recognition of Trade nions, this Tribunal should not direct the Comany to recognise the Union. It is argued that to such direction would be to usurp the jurisdicof the Labour Courts which will soon be set up ding to the amended Trade Unions Act. Union's lawyer argued that the Company was entitled to raise any legal objection, since ich objection was taken in its written state-. But a legal objection regarding jurisdican be taken at any time and apart from the ion whether recognition of a Union is an trial dispute, as to which I may state that re taken the view that it is not an industrial te in some previous awards, the second objechat since a machinery has been provided in the ded Trade Unions Act for recognition of Unions, Tribunals should not entertain the question of recognition is, I think, decisive. The Union is therefore directed to apply for recognition under the amended Trade Unions Act to the Labour Courts which are likely to be set up very soon.

Issue No. 17.—Reinstatement of ex-conductor Ramprit Dobey.

Ramprit Dobey, ex-conductor No. 1021, was injured in the right hand by a trolley rope while on duty on 27th July 1946. He was then sent to the Mayo Hospital where a skiagram was taken and it was found that the lower end of the radius had been fractured without displacement. He was then sent to the Medical College Hospital for further treatment. In the Medical College tubercular infection was detected and he was also found to be suffering from pleural effusion of the right side of the chest. Copies of the medical reports have been filed by the Company. The medical reports recommended that the right forearm should be immobilised for a long time and that the patient should have physical and mental rest and treatment for at least 18 months. As his injury was associated with tubercular infection, it was believed that the treatment of the injury as well as the tubercular infection would not only be prolonged and expensive but that the chances for the man to be fit to resume his duties even after such treatment were rather remote, and so the Company offered him the maximum benefit under the Workmen's Compensation Act as for a permanent partial disablement at 60 per cent. of loss of earning capacity (the loss being of right arm below the elbow). A sum of Rs. 1,512 including half-monthly wages up to 7th January 1947 was paid to him and he accepted the amount. With this payment he was discharged. The Union's case is that he has fully recovered and that he has got back the use of his right arm and been cured of tubercular infection. A copy of a medical certificate from the Professor of Surgery of the Patna Medical College has been filed showing that he is completely cured. It is said that while being discharged he had been assured of reinstatement, if cured. In the copy of the order of discharge filed by the Company there is a note by Mr. A. Smith that if found fit later on he might be considered for reinstatement. This was not, however, an assurance or condition of his discharge. The Company objects to take him back because full compensation has been paid to him under the Workmen's Compensation Act and he had accepted the amount. Apart from this it is contended on behalf of the Company that the Tribunal has no jurisdiction to direct reinstatement in such a case. Since the conductor was discharged after payment of compensation to which he was entitled under the Workmen's Compensation Act and he accepted the amount, I do not see how he can have a right to reinstatement or how the Tribunal can interfere in the matter. It is not a matter involving victimisation or unfair labour practice, in which case alone the Tribunal should interfere. No doubt the Union has mentioned in its written statement that this man was an office bearer of the Union, but it has not been and cannot be suggested that he was discharged on payment of compensation for injury in January 1947 by way of victimisation for being such office bearer. The Company's case is that it never heard of this Union in 1947 and there is no evidence to the contrary. There can be no question that the Company acted in good faith in discharging him on payment of compensation believing that there was very remote chance of his being fit for service even after prolonged treatment. No question of victimisation or unfair labour practice can arise in such circumstances. There being no such element in this case I find no reason why the Tribunal should direct his reinstatement. The demand is rejected.

Issue No. 18.—Has this Tribunal got jurisdiction to direct reinstatement of the 36 workers named in the written statement of the Calcutta Tramways Workers' Union? Did the question of their reinstatement form part of the dispute which has been referred to the Tribunal?

The 36 workmen whose names are mentioned in the written statement of the Workers' Union are all members of the said Union. They were dismissed on various dates commencing from 1st April 1948 and some of them were dismissed after the reference of this dispute to the Tribunal, *i.e.*, after 23rd June 1948. It appears from the Company's statement that 20 of these workmen were dismissed between 1st April 1948 and 15th June 1948 and that the remaining 16 were dismissed between 25th June 1948 and 24th July 1948. The Workers' Union had demanded reinstatement of all these 36 men on the ground that they were dismissed by way of victimisation. It is mentioned in the statement of the Union that the Company dismissed these workmen with the sole object of victimising them for their legitimate Trade Union activities. The Company's case, however, is that all these men were dismissed on definite charges of assault, intimidation, interfering with the Company's services and endeavouring to produce and producing a stoppage of work. It is mentioned in the Company's written statement that on or about the 26th of March 1948 the Government declared the Communist Party unlawful and that thereafter the members of the Workers' Union caused several workers to go on strike without due warning, in spite of the Company having been declared by the Government to be a public utility company, and resorted to assault, intimidation and violence. The Company denies that any element of victimisation was involved in the dismissal of these workmen and contends that they were rightly dismissed on evidence found against them. The Company has also raised a preliminary objection that this Tribunal has got no jurisdiction to adjudicate upon the question of dismissal of these workmen. One ground of this objection is that some of them were dismissed after reference of the dispute to the Tribunal and as regards others who were dismissed before such reference, it is contended by the Company that the question of dismissal of these workmen was never raised as a dispute and did not form part of the dispute which had been referred to this Tribunal for adjudication by the Government.

Mr. S. Choudhari who argued the case for the Company referred to sections 10 and 15 of the Industrial Disputes Act and argued that this Tribunal could only adjudicate upon the dispute which had been referred to it under section 10 of the Act. He next referred to the order of the Government, dated 23rd June 1948, by which the dispute was referred to the Tribunal. He pointed out that the order of the Government mentioned "Whereas an industrial dispute has arisen", etc., and argued that it meant that the dispute which had been referred to this Tribunal had already arisen and been in existence before the date of the reference to the Tribunal. He accordingly contended that by this order an existing dispute had been referred to this Tribunal and that as such the Tribunal had no jurisdiction to entertain any dispute consequent on the dismissal of the 16 workmen who were dismissed after the date of such reference. As regards the other 20 men who were discharged before the date of the reference, he submitted that there was in fact no dispute in existence regarding their dismissal at the time of the reference and that no such dispute had been raised or brought to the notice of the Government before the Governm referred the dispute to the Tribunal. He there contended that the Tribunal had no jurisdic to entertain any dispute regarding these 20 also as it was outside the scope of the refere He referred in this connection to the prev correspondence of the Workers' Union with Company and pointed out that there was mention in the said correspondence of the ca any of the workmen dismissed before the dat reference. According to him, the Governm could not refer a dispute to a Tribunal, unless Government was aware of the existence of su dispute and in this case there was nothing to that any dispute regarding the dismissal of t men was ever brought to the notice of the Gov ment either by an application under section 1 of the Industrial Disputes Act or otherwise, the Workers' Union. He also argued that u section 10 the Government had a discretion decide whether a dispute existed and whethe should be referred to a Tribunal and that it for the Workers' Union to prove that the Gov ment had actually referred the case of these missed workmen to the Tribunal.

On behalf of the Workers' Union it was tended by Mr. Acharyya that after the refer of a dispute to a Tribunal by the Governmen Tribunal had jurisdiction to adjudicate upon w ever dispute might be brought before it by parties to the reference, irrespective of the whether there was any existence of such a dis at the time of the reference and whether the ernment had been aware of the said dispute. was also contended that the Government having defined, or put any limitation on, nature of the dispute in the order of refere the Tribunal had got ample jurisdiction to co der the cases of all these dismissed workers direct their reinstatement, even though some them might have been dismissed after the of the reference. Mr. Acharyya even went to length of contending that disputes could a and persist until the Tribunal made its aw and that whatever might be agitated by the pa to the reference before a Tribunal must consti a dispute which the Tribunal had jurisdiction adjudicate upon.

It is impossible to subscribe to the extr position which has been taken up by Acharyya. It is not disputed that the juris tion of this Tribunal to adjudicate upon the pute between the Tramways Company and workmen has been derived from the Governm order, dated 23rd June 1948, making the re ence. As already stated, the order says "Wh as an industrial dispute has arisen", etc. Un section 10 of the Industrial Disputes Act Government can refer a dispute which "exis and also a dispute which "is apprehended" t Tribunal for adjudication. In the present c the Government did not refer a dispute which apprehended. The order expressly mentions dispute which *has arisen*, which must mean t the dispute already existed and was not mer apprehended at the time of the reference. It true that the nature of the dispute is not defi in the Government order, but it cannot be s that no limitation in terms was put upon nature of the dispute. The words "has arise are certainly words of limitation indicating t the dispute was already in existence. It was limitation in point of time and fact. It can certainly be contended that a dispute which w not in existence on 23rd June 1948, the date the reference, could have been referred to t Tribunal as an existing dispute on that date. case of the workmen who were dismissed a 23rd June 1948 must, therefore, be excluded fr the scope of the dispute which has been refer

to the Tribunal, since any dispute consequent on the dismissal of these workmen and any demand for their reinstatement must necessarily be deemed to have arisen after the reference of the existing dispute to the Tribunal. I, therefore, agree with the contention of Mr. Choudhuri that this Tribunal has no jurisdiction to adjudicate upon the question of dismissal of the 16 workmen who were dismissed after 23rd June 1948.

As regards the remaining 20 men, they were no doubt dismissed before 23rd June 1948, but it is necessary to ascertain whether any dispute consequent on their dismissal had arisen between the Company and its workmen, as represented by the Workers' Union, before the date of the reference and whether the Government had been aware of any such dispute at the time of the reference, in order to decide whether their case is included within the scope of the reference. If I may refer to my general experience in the Tribunals, I may say that when the Government refers disputes regarding dismissals of workmen to Tribunals it usually makes specific mention of the fact and also includes the names of the dismissed workers in the orders of reference. In the present case there is no such specific mention of dismissal of workers in the Government order. I do not, however, mean to suggest thereby that this omission is conclusive on the point. I agree that since the nature of the dispute is not defined in the Government order, the Tribunal will have to decide the nature of the dispute referred to it from such evidence as may be available. Now, a dispute can only arise on a demand being submitted by the employees and on its refusal by the employer. From the mere fact that these 20 workmen were dismissed before 23rd June 1948 it does not follow that there was necessarily a dispute consequent on their dismissal. It has to be seen whether upon such dismissal the Union took up the matter and raised any question of victimisation or unfair labour practice or submitted any demand for their reinstatement. It is only on such questions being raised and a demand submitted that a dispute could arise. If it is found that the Union did not raise any such question or submit any such demand after the dismissal, then it must follow that it did not think it necessary to raise any dispute regarding the matter and that no dispute actually existed on the point. It has also to be seen whether any such dispute, assuming that it was raised, was brought to the notice of the Government either by the Union or in any other way, in order to be sure that the Government had included or meant to include such a dispute in the reference to the Tribunal. If the dispute regarding these dismissals be found to have been raised by the Workers' Union for the first time before this Tribunal after the reference, it would not be open to the Union to contend that such a dispute had been referred to the Tribunal by the Government and that the Tribunal had jurisdiction to adjudicate upon the same.

The Company has filed copies of the demands submitted by the Workers' Union and of the subsequent correspondence between it and the Company and, as Mr. Choudhuri has pointed out, there is nothing in the said correspondence to show that there was any dispute regarding the dismissal of these workers or that there was any demand made by the Workers' Union for their reinstatement. The Workers' Union could not produce or refer to any material on the point at the time of hearing. After the conclusion of the hearing, however, the Union filed copies of some letters addressed by it to the Company and of the Company's replies to some of them as relevant material on the point. It was done in the absence of the Company's representatives. From the view I have taken of these letters, however, I did not think it necessary to send for the Company's representatives for a hearing on the matter. In the first letter, dated 19th April 1948, the Union drew the Agent's attention to what it called "mass issuals of charge-sheets" and dismissals resulting therefrom which had created discontent among the workers, and wanted to have a personal discussion with the Agent on the point. The Agent in his reply of the same date stated that if the Union considered that any dismissed employee had reasons for feeling that his case had been unfairly dealt with, he would like to have the name and number of that employee together with any representation that he might make. From copies of two other letters purporting to have been sent to the Agent on 24th May 1948, the replies to which are not forthcoming, it appears that the Union demanded, on behalf of some workmen who had been suspended and thereafter allowed to resume duty, pay for the period of suspension, and protested against issue of charge-sheets against some workmen. There is another letter, dated 25th May 1948, in which a protest was made against issue of two successive charge-sheets against one man. Finally copies of an appeal of an ex-conductor who had been dismissed and of the Agent's reply to that appeal as also to another ex-conductor's appeal have been filed. The Agent's replies to the appeals are to the effect that he had personally reviewed the evidence against the men and was satisfied that the orders of dismissal must stand.

It does not appear from the letters filed that any demand was made by the Workers' Union for reinstatement of any of the dismissed workmen whose reinstatement is now being demanded before me. The Union has now made a case that these 36 workmen were dismissed by way of victimisation for their legitimate Trade Union activities. There is no such suggestion in any of the letters mentioned above. It might be that these dismissals created some discontent amongst the staff, as one letter suggests, and some of the dismissed workmen might have felt that they had not been fairly treated in the proceedings leading to dismissal and might have appealed to the Agent, as they were entitled to do under the rules of the Company. But such appeals or feeling of discontent cannot be construed as having given rise to a dispute between the Company and the Union without any allegation of victimisation and a demand for reinstatement of the dismissed workers on that ground. No doubt at the time of these dismissals certain disputes regarding pay, dearness allowance, bonus, hours of work, etc., had been existing between the Company and the Workers' Union, but there is no suggestion either in the correspondence or even in the written statement filed by the Workers' Union that these dismissals were the result of, or were in any way connected with, these existing disputes. There is no scope for any such suggestion because those disputes had already in a manner been referred to Sri S. N. Modak for adjudication before the first workman was dismissed. According to the Company, these dismissals followed from certain incidents which had taken place after 26th March 1948 and before that date the reference to Sri S. N. Modak had already been made. These dismissals could not therefore have had any connection with the disputes which had already been referred to Sri S. N. Modak. It is well known that Tribunals generally assume jurisdiction to consider the question of reinstatement of dismissed workmen only on the ground of victimisation or unfair labour practice. No such ground was taken in any of the letters filed by the Workers' Union and the point appears to have

been raised for the first time in the written statement filed before the Tribunal. I cannot hold therefore that the dispute in the form in which it has now been raised had ever been raised before the present reference.

There is no evidence either that any dispute regarding the dismissal of these workmen was ever brought to the notice of the Government. No letter has been filed showing that the Workers' Union made a representation to the Government on the point. I called for the record of the Labour Commissioner regarding this case and on perusing it I find that it contains no correspondence by the Workers' Union regarding dismissal of these workmen, nor any representation demanding their reinstatement. As stated in the beginning of the award, the dispute between the Company and the workmen first started in January and February 1948 in consequence of certain demands submitted to the Company by the Workers' Union and the Mazdoor Panchayet. On the 24th February 1948 the Labour Commissioner attempted to settle the dispute by conciliation, which, however, failed, and on 17th March 1948 the Labour Commissioner submitted a report to the Government setting out the demands of the Unions and the Company's replies thereto and recommending reference of the dispute to a Tribunal. There was a reference to Sri S. N. Modak and he gave his award on 17th May 1948. Thereafter on 4th June 1948 the Mazdoor Panchayet forwarded to the Labour Commissioner a copy of a letter sent to the Agent of the Calcutta Tramways in which, besides the demands submitted in February, certain other demands were put forward. The copy of this letter is in the Labour Commissioner's file. It does not appear from the said file that the Workers' Union submitted any further demands. On 16th June 1948 the Labour Commissioner recommended that the dispute be referred to a Tribunal and thereupon the present reference was made. The Labour Commissioner's report, however, contains no mention of any dispute regarding dismissal of workmen.

Thus there is nothing to show that any dispute regarding dismissal of the workmen dismissed before 23rd June 1948 was ever brought to the notice of the Government or that the Government was aware of any such dispute at the time of the reference. Hence the dispute now raised and the demand for reinstatement now put forward cannot be said to have formed a part of the dispute which has been referred to this Tribunal. I accordingly accept the contention of the Company that the Tribunal has no jurisdiction to consider the case of the workers dismissed before 23rd June 1948, since there was no dispute consequent on the dismissal of these workers which can be said to have been referred to the Tribunal by the Government. The case of all the 36 dismissed workers must, therefore, be excluded from the scope of this Tribunal for want of jurisdiction.

P. K. SARKAR,
Judge,
Industrial Tribunal

Dictated and corrected by me.

P. K. SARKAR,
Judge.

The 27th October 1948.

By order of the Governor,
D. S. P. MUKHERJEE, Jt. Secy

Printed and published by the Superintendent, Government Printing, West Bengal,
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Diary ...

The

Calcutta Gazette

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SATURDAY, NOVEMBER 27, 1948

PART IIIA—Ordinances promulgated by the Governor of West Bengal under the Government of India Act, 1935.

GOVERNMENT OF WEST BENGAL

JUDICIAL AND LEGISLATIVE (LEGISLATIVE) DEPARTMENT.

West Bengal Ordinance No. XII of 1948

THE WEST BENGAL NATIONAL VOLUNTEER FORCE ORDINANCE, 1948.

WHEREAS it is expedient and necessary to provide for the constitution of a National Volunteer Force in West Bengal by enrolment therein of the citizens of the Dominion of India who may offer themselves for such enrolment, for service during a period considered by the Provincial Government to be a period of emergency and for such other purposes as the Provincial Government may think fit;

AND WHEREAS the West Bengal Legislature is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

The Governor is pleased in exercise of the power conferred by sub-section (*1*) of section 88 of the Government of India Act, 1935, to make and promulgate the following Ordinance, namely:— 26 Geo. V, c.2.

Short title and extent.

1. (*1*) This Ordinance may be called the West Bengal National Volunteer Force Ordinance, 1948.

(*2*) It extends to the whole of West Bengal.

Definitions.

2. In this Ordinance unless there is anything repugnant in the subject or context,—

(*a*) "Advisory Committee" means the Provincial Advisory Committee or the District Advisory Committee constituted under section 15;

(*b*) "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866; Ben. Act IV of 1866. Ben. Act II of 1866.

(*c*) "Force" means the West Bengal National Volunteer Force;

(*d*) "Officer" means an officer appointed under this Ordinance;

(*e*) "Prescribed" means prescribed by rules made under this Ordinance; and

(*f*) "Volunteer" means a person enrolled as a member of the West Bengal National Volunteer Force.

The West Bengal National Volunteer Force Ordinance, 1948.

(*Sections 3—9.*)

Constitution of the National Volunteer Force

3. The Provincial Government may raise and maintain a volunteer force to be called the West Bengal National Volunteer Force and for that purpose enrol persons as volunteers from Calcutta and elsewhere in West Bengal:

Provided that the Provincial Government may establish all or any of the units of the Force as and when necessary.

Functions.

4. A member of the Force, when called upon for duty, shall discharge such functions in relation to the protection of persons, the security of property and the preservation of the public peace in any area within West Bengal and such other functions as may be assigned to him by or under this Ordinance.

Appointment of Officers.

5. The Provincial Government or any person empowered in this behalf by the Provincial Government may appoint a Provincial Commandant of the Force and such other officers for, and for any unit of, the Force as the Provincial Government may consider necessary and may prescribe the powers and duties of such officers in addition to the powers and duties conferred by this Ordinance. Every officer shall have the privileges and protection conferred on an officer by or under this Ordinance.

Officers in the Force.

6. There shall be the following classes of officers in the Force, namely—

(*1*) Commandant,

(*2*) District Executive Officer,

(*3*) Company Commander,

(*4*) Squad Commander,

(*5*) Section Commander.

Constitution of any separate unit of the Force.

7. Notwithstanding anything contained elsewhere in this Ordinance, the Provincial Government may, by notification in the *Official Gazette*, provide for the constitution or formation of any unit of the Force for any particular region within West Bengal or for any specified purpose.

Enrolment and removal of a member of the National Volunteer Force.

8. (*1*) Any citizen of the Dominion of India or any subject of an Acceding State or any person having a permanent domicile in West Bengal who may offer himself for enrolment in the Force and who satisfies the prescribed conditions shall be eligible for enrolment therein by such authority, in such manner and for such period not exceeding five years as may be prescribed.

(*2*) Every volunteer shall receive a certificate of appointment in the prescribed form and such certificate shall be issued by such authority as may be prescribed and thereupon he shall have the powers, privileges and protection conferred, and shall discharge the duties imposed on a volunteer by or under this Ordinance.

(*3*) Every volunteer enrolled under this Ordinance shall undergo such preliminary and periodical training as may be prescribed.

(*4*) Every person enrolled as a volunteer under this Ordinance shall be entitled to receive a certificate of discharge in the prescribed form on the expiration of the period for which he was enrolled and any such person may, prior to the expiration of that period, be discharged by such authority and subject to such conditions as may be prescribed and shall be so discharged on the recommendation of the Advisory Committee in this behalf.

(*5*) The prescribed authority may subject to such conditions as may be prescribed—

(*a*) suspend, discharge, dismiss or remove any volunteer from his office and thereupon the certificate referred to in sub-section (*2*) shall cease to have effect, or

(*b*) disband any unit constituted under this Ordinance and thereupon every volunteer of such unit shall vacate office.

Posting of a volunteer to a Unit.

9. Every person enrolled as a volunteer under this Ordinance may be posted for any period to any unit of the Force and thereupon he shall be bound to serve in the said unit for that period.

The West Bengal National Volunteer Force Ordinance, 1948.

(*Sections 10—16*)

Calling out of a member of the Force.

10. The Commissioner of Police in Calcutta and the District Magistrate elsewhere may at any time call upon, in such manner and through such officer as may be prescribed, any volunteer in their respective jurisdictions, for discharging any functions assigned to him by or under this Ordinance.

Power, privileges and protection of the Force.

11. (*1*) An officer or a volunteer, when called upon for duty under section 10, shall have the same powers, privileges and protection as a Police Officer appointed under any Act for the time being in force.

(*2*) No prosecution shall be instituted against an officer or a volunteer in respect of anything done or purported to be done in exercise of his powers or the discharge of his duties as such, except with the previous sanction of the Commissioner of Police in Calcutta or the District Magistrate elsewhere.

Control by officers of the Police Force.

12. A volunteer, when called upon for duty under section 10 to aid the Police Force, shall work under the orders of or be under the control of such officers of the Police Force as may be prescribed.

Penalties.

13. (*1*) If a volunteer, without sufficient cause, neglects or refuses to obey the orders of any superior authority or officer whom he is bound to obey, or fails to discharge any duty which he is bound to perform under this Ordinance or any rule thereunder or deserts his post, or is guilty of any wilful breach of disobedience of any provisions of this Ordinance or of any rule thereunder or lawful order made or issued thereunder by a competent authority, he shall be liable to be punished with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both.

(*2*) No prosecution shall be instituted against a volunteer for any offence punishable under sub-section (*1*), without the previous sanction of the Commissioner of Police in Calcutta or the District Magistrate elsewhere.

(*3*) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under sub-section (*1*) shall be cognizable. Act V of 1898.

(*4*) Without prejudice to the foregoing provisions of this section, it shall also be competent for any prescribed authority to deal with the said offences otherwise than under the said provisions and to award one or more of such punishments as may be prescribed.

Members of the Force to be public servants.

14. An officer or a volunteer acting in the exercise of his powers or the discharge of his duties under this Ordinance or rules thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Act XLV of 1860.

Advisory Committees.

15. (*1*) The Provincial Government may for the purpose of advising it on all matters of policy connected with the constitution and administration of the Force constitute a Provincial Advisory Committee and District Advisory Committee.

(*2*) The Committees shall be constituted in such manner and shall perform such functions as may be prescribed.

Rules.

16. (*1*) The Provincial Government may make rules to carry out the purposes of this Ordinance

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the powers and duties of officers referred to in section 5;

(*b*) the manner and conditions of and the period for enrolment of a volunteer and the authority by whom such enrolment shall be made referred to in sub-section (*1*) of section 8;

(*c*) the period of preliminary and periodical training referred to in sub-section (*3*) of section 8;

The West Bengal National Volunteer Force Ordinance, 1948.

(*Section 16.*)

(*d*) the form of certificate of discharge referred to in sub-section (*4*) of section 8 and the authority and conditions referred to in that sub-section;

(*e*) the manner in which and the officer through whom a volunteer may be called upon for discharging functions under section 10;

(*f*) the officer of the Police Force under whose order or control a volunteer shall work under section 12;

(*g*) the authority by which and the manner in which offences may be dealt with under sub-section (*4*) of section 13;

(*h*) the constitution and the functions of the Advisory Committees referred to in section 15;

(*i*) the medical treatment of persons offering themselves for enrolment, the organisation, discipline, training, arms, accoutrements and clothings, conditions of service, powers and duties of the volunteers; and

(*j*) the remuneration, allowances, gratuities or compensation to be paid to a volunteer or his dependants.

KAILAS NATH KATJU,
Governor of West Bengal.

The 25th November, 1948.

B. K. GUHA,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 27th November 1948.

WEST BENGAL LEGISLATIVE ASSEMBLY

The Calcutta Gazette

Extraordinary

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MONDAY, NOVEMBER 29, 1948

Part I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

No. 21774D.C.S.—29th November 1948.—In exercise of the power conferred by sub-section (7) of section 3 of the West Bengal Cement Control Act, 1948 (West Bengal Act XXVI of 1948), read with clause (c) of sub-section (2) of that section, the Governor is pleased to make the following amendment in order No. 10333D.C.S., dated the 18th August 1948, published at pages 683-686 of the

OR

Calcutta Gazette, Extraordinary, of the August 1948, namely:—

Amendment.

After paragraph 8 of the said Order [illegible] following paragraph, namely:—

"8A. Every stockist or every person employed by him shall, if so requested by the [illegible] acquiring the cement from him under a written order issued under paragraph 8, weigh the cement in his presence or in the presence of his authorised representative at the time of delivery."

By order of the Governor,

R. S. KRISHNASWAMY,
Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Ptg., West Bengal at West Bengal Govt. Press, Alipore, on the 29th November 19

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Diary No. .....
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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

LAND AND LAND REVENUE DEPARTMENT.

Land Acquisition.

NOTIFICATION.

24-Parganas.—No. 9203L.A.—29th November 1948.—The following agreement is published under section 42 of the Land Acquisition Act, I of 1894, for general information:—

Agreement.

MEMORANDUM OF AGREEMENT made this 29th day of November 1948 between the Textile Machinery Corporation, Limited, a company registered under the Indian Companies Act, 1913, and having its registered office at 8, Royal Exchange Place, in the town of Calcutta (hereinafter called the Company) of the one part and the Governor of the Province of West Bengal (hereinafter called the Governor) of the other part.

WHEREAS for the purpose of constructing the factory, godowns, staff quarters and cooly lines, for Textile Machinery Corporation, Limited, in the villages of Tarapukuria, Osmanpur and Basudevpore, in the district of 24-Parganas, the Company has applied to the Government of West Bengal for the acquisition under the provisions of the Land Acquisition Act, 1894, of the piece or parcel of land containing 47·42 acres or thereabout situate in the villages of Tarapukuria, Osmanpur and Basudevpore, in the district of 24-Parganas and more particularly described in the Schedule hereto and delineated in the plan hereunto annexed (reference number TEX-BLR-9);

AND WHEREAS the said Government of West Bengal being satisfied by an enquiry held under section 40 of the said Act that the proposed acquisition is needed for the aforesaid purpose and that the said work is likely to prove useful to the public, has consented to acquire on behalf of the Company the piece or parcel of land hereinbefore described;

AND WHEREAS the said Government of West Bengal has required the Company under the provisions of section 41 of the abovementioned Act to enter into the agreement with the Governor hereinafter contained;

Now this Indenture witnesseth that it is hereby agreed and declared as follows:—

1. On demand the Company shall and will pay to the said Government of West Bengal all and every compensation in respect of the said land tendered, paid or awarded or to be tendered, paid or awarded by the Collector under the Land Acquisition Act, 1894, or by Court to which a reference under part III of the said Act may be made or by the Court or Courts to which an appeal from the award of the said Court may be preferred and all costs, charges and expenses of the proceedings in the aforesaid Courts or otherwise incidental to the proposed acquisition or payable in respect thereof under the provisions of the said Act.

2. On demand made by the said Collector the obligations of the Company under the last preceding clause not thereby limited, the Company shall and will deposit with the said Collector such sum or sums of money as in his discretion the said Collector may in anticipation estimate to be necessary for the purposes mentioned in the last preceding clause.

3. On payment by the Company of all demands under the foregoing first clause, or, in the discretion of the said Government of West Bengal (on deposit by the Company of all estimated amounts as provided in the second clause), but not before possession shall have been taken under the provisions of the abovementioned Act, the Governor shall make over possession of the said land to the Company and shall execute and do all such acts and deeds as may be necessary and proper for effectually vesting the same in the Company.

4. The said land shall be held by the Company for the purposes of constructing the factory, godowns, staff quarters and cooly lines for Textile Machinery Corporation, Limited, as is hereinbefore mentioned and without the sanction in writing of the said Government of West Bengal first had and obtained for no other purpose whatsoever.

5. The said construction of factory, godowns and staff quarters and cooly lines shall be completed (and fully equipped in all respects ready for use) within two years from the date on which possession of the said land shall have been given to the Company.

6. Should the said construction not be completed (and fully equipped in all respects ready for use) within the period stated in the last preceding clause or within such further period as in its discretion may be prescribed or allowed by the said Government of West Bengal or should the said land at any time thereafter cease, for a period of twelve consecutive months, to be held and used or cease to be required for the purpose or purposes provided for in the foregoing fourth clause then and in any such case, the said Government may summarily re-enter upon and take possession of the said land together with all buildings thereon, whether such buildings were erected before or after transfer of the land to the Company, and thereupon the interest of the Company in the said land and buildings shall absolutely cease and determine.

7. On taking such possession the said Government may sell or otherwise deal with the said land and buildings as it may think proper.

(*i*) Should the said Government sell the land with the buildings the said Government after deducting the expenses incurred in connection with the said taking of possession and with such sale shall pay the proceeds to the Company.

(*ii*) Should the said Government decide not to sell the land and buildings, the said Government shall retain the said land and buildings, thereon, in which case the Governor shall repay to the Company the market value as on the day of re-entry of all the buildings erected by the Company and all sums received from the Company in respect of all and every compensation as provided in the foregoing first clause (less the statutory allowance of 15 per cent. and less any amount received on account of trees and buildings which are not in existence at the time of resumption), but will not repay any sums paid and received on account of costs, charges and expenses.

(*iii*) Should the said Government decide to sell the buildings only upon such sale, the Governor after deducting the expenses of taking possession and selling, pay the balance of the proceeds of sale to the Company together with the sum received from the Company in respect of the compensation for the land (less the statutory allowance of 15 per cent. and less any amount received from the Company on account of trees and buildings which are not in existence at the time of resumption), but will not re-pay any sum paid and received on account of costs, charges and expenses.

8. The public shall be entitled to have the following advantages:—

(*a*) In making appointments, preference should be given to the people of West Bengal.

(*b*) The Company shall establish a Hospital with out-door dispensary, High English School for the education of the workers as well as of the local public.

(*c*) The Company shall provide facilities for the amenities of life for the workers of the Company.

(*d*) The public shall have the right of way over the road.

9. Should any dispute or difference arise touching or concerning the subject matter of this agreement or any covenant clause or thing herein contained the same shall be referred to the said Governor of West Bengal and the opinion and decision of the said Government upon such dispute or difference shall be final and conclusive and binding on the parties hereto.

The Schedule above referred to.

All those pieces or parcels of land situated in the villages of Tarapukuria, Osmanpur and Basudevpore, jurisdiction list Nos. 12, 13 and 2, respectively, in the thanas Khardah and Baranagar, pargana Calcutta, in the district of 24-Parganas, comprising cadastral survey plot Nos. 719 to 722, 726 to 735 and 744 of village Tarapukuria, cadastral survey plot Nos. 532 to 535, 546 to 577, 579, 582 to 585, 663 and 680 of village Osmanpur, cadastral survey plot Nos. 295 to 305, 309 to 311, 313, 332 and 333 of village Basudevpore and measuring more or less, 47·42 acres.

In witness whereof the said Company has caused its common seal to be affixed and the Governor of the Province of West Bengal hath hereunto set his hand and seal the day and year first above written.

The Common Seal of the above named Company was hereunto affixed in the presence of:-

Seal.

Witness—

J. R. Ambler-Wright, M. I. Mech. E., M. I. Loco. E., M. I. W., Manager-Consultant, Boiler Schonie, Textile Machinery Corporation, Ltd.

per pro Textile Machinery Corporation, Ltd.

K. K. Birla, Director

Signed, sealed and delivered by the Member, Board of Revenue and *ex-officio* Secretary to the Government of West Bengal in the Department of Land and Land Revenue for and on behalf of the Governor of the Province of West Bengal,

Seal.

S. Banerjee, Member, Board of Revenue and *ex officio* Secretary to the Government of West Bengal Land and Land Revenue Department.

Witness—

A. Chakravarti, Assistant Secretary, Department of Land and Land Revenue.

DECLARATION.

24-Parganas.—No. 9205L.A.—29th November 1948.—Whereas it appears to the Governor that land is required to be taken by Government at the expense of Textile Machinery Corporation, Ltd. for the construction of factory, godowns, staff quarters and cooly lines in the villages of Tarapukuria, Osmanpur and Basudevpore, jurisdiction list Nos. 12, 13 and 2, respectively, in thana Khardah and Baranagar, pargana Calcutta, district 24-Parganas, it is hereby declared that for the above purpose, a piece of land comprising cadastral survey plot Nos. 719-722, 726-735 and 744, of village Tarapukuria, cadastral survey plot Nos. 532-535, 546-577, 579, 582-585, 663 and 680 of village Osmanpur, cadastral survey plot Nos. 295-305, 309-311, 313, 332 and 333 of village Basudevpore, and measuring, more or less 47·42 acres, is required within the aforesaid villages of Tarapukuria, Osmanpur and Basudevpore.

This declaration is made, under the provisions of section 6 of Act I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the Special Land Acquisition Officer, 24-Parganas.

By order of the Governor,

S. BANERJEE,

Member, Board of Revenue and Secy. to the Govt. of West Bengal (ex-officio).

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 30th November 1948.

Regd. No. C207

The Calcutta Gazette

Extraordinary

Published by Authority

WEDNESDAY, DECEMBER 1, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

LAND AND LAND REVENUE DEPARTMENT.

Land Revenue.

NOTIFICATIONS.

No. 9050L.R.—24th November 1948.—In exercise of the power conferred by the first proviso to sub-section (3) of section 1 of the West Bengal Premises Rent Control (Temporary Provisions) Act, 1948 (West Bengal Act XXXVIII of 1948), the Governor is pleased to extend the provisions of the said Act to the Barrackpore Cantonment Area with the boundaries specified below in the district of 24-Parganas :—

Boundaries of the Cantonment Area.

North—North Barrackpore Municipality.
East—South Barrackpore Municipality.
West—North Barrackpore Municipality.
South—Hooghly River.

No. 9052L.R.—24th November 1948. In exercise of the power conferred by the first proviso to sub-section (3) of section 1 of the West Bengal Premises Rent Control (Temporary Provisions) Act, 1948 (West Bengal Act XXXVIII of 1948), the Governor is pleased to extend the provisions of the said Act to the area within the jurisdiction of the Balurghat union board in the district of West Dinajpur.

No. 9054L.R.—24th November 1948.—In exercise of the power conferred by the first proviso to sub-section (3) of section 1 of the West Bengal Premises

Rent Control (Temporary Provisions) Act, 1948 (West Bengal Act XXXVIII of 1948), the Governor is pleased to extend the provisions of the said Act to the areas as detailed below which comprise the subdivisional headquarters of Contai in the district of Midnapore :—

Thana Contai.

Serial No.	Name of village.	Jurisdiction List No.
1	Athilagori	376
2	Hatabari	369
3	Padmapukhuria	263
4	Serpur Kharkibar ...	371
5	Serpur Telengabar ...	372
6	Serpur Etwaribar ...	373
7	Karkuli	264
8	Kishorenagar	265
9	Dhandighi	311
10	Kumarpur	367
11	Subdivision Kumarpur ...	368
12	Monoharchak	538
13	Bhagwanpur	476
14	Haripur	477
15	Uttar Darua	478
16	Jalalkhanbar	310
17	Dharmdasbar	309
18	Kanakpur .. .	266

No. 9056L.R.—24th November 1948.—In exercise of the power conferred by the first proviso to sub-section (3) of section 1 of the West Bengal Premises Rent Control (Temporary Provisions) Act, 1948 (West Bengal Act XXXVIII of 1948), the Governor is pleased to extend the provisions of the said Act to the town of Khargpur comprised of the unions mentioned below in the district of Midnapore :

Name of union.	No. of union
Kharida	I
Inda	II

By order of the Governor,
BANERJEE,
Secy. to the Govt. of West Bengal.

Printed and published by the Superintendent, Govt. Ptg., West Bengal, at West Bengal Govt. Press, Alipore, on the 1st December 1948.

gistered No. C207

The Calcutta Gazette

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THURSDAY, DECEMBER 2, 1948

ART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc

GOVERNMENT OF WEST BENGAL

LAND AND LAND REVENUE DEPARTMENT.

Land Acquisition.

DECLARATIONS.

Calcutta.—No. 9341L.A. —2nd December 1948.—Whereas it appears to the Governor that land is required to be taken by Government at the public expense for a public purpose, viz., for the construction of a new Automatic Telephone Exchange Building in Ward No. 14 of the Calcutta Municipality in the city of Calcutta, it is hereby declared that for the above purpose a piece of land comprising premises Nos. 107, 107A, 107B and 107C, Surendra Nath Banerjee Road, and Nos. 88A, 88B and 88C, Wellesley Street, and measuring, more or less, 0·4972 of an acre bounded on the—

North—By public passage,
East—By premises No. 106 1, Surendra Nath Banerjee Road,
South—By Surendra Nath Banerjee Road,
West—By Wellesley Street,

is required within the aforesaid Ward No 14 of the Calcutta Municipality in the city of Calcutta

This declaration is made, under the provisions of section 6 of Act I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the First Land Acquisition Collector at No. 5, Bankshall Street, Calcutta.

Calcutta.—No. 9343L.A.—2nd December 1948. Whereas it appears to the Governor that land required to be taken by Government at the public expense for a public purpose, viz., for the construction of a new Automatic Telephone Exchange Building in Ward No. 8 of the Calcutta Municipality in the city of Calcutta, it is hereby declared that for the above purpose a piece of land comprising premises Nos. 44, 46 and 48, Mechuabazar Street, and 154, Chittaranjan Avenue, admeasuring, more or less, 0·9044 of an acre, bounded on the—

North—By Mechuabazar Street,

East—By Kalabagan Bustee New Road,

South—By Kalabagan Bustee New Road and premises No. 150, Chittaranjan Avenue,

West—By Chittaranjan Avenue,

is required within the aforesaid Ward No. 8 of the Calcutta Municipality in the city of Calcutta.

This declaration is made, under the provisions of section 6 of Act I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the First Land Acquisition Collector at No. 1 Bankshall Street, Calcutta.

By order of the Governor,

S. BANERJEE,

Member, Board of Revenue and Secy. to the Govt. of West Bengal (Co-ordination).

Printed and published by the Superintendent, Govt. Ptg., West Bengal Govt. Press, Alipore, on the 2nd December 19[illegible]

stered No. C207

The Calcutta Gazette

Extraordinary

Published by Authority

FRIDAY, DECEMBER 3, 1948

RT I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

ORDERS.

No. 1073Pr.—3rd December 1948.—Whereas in he opinion of the Governor, the Bengali leaflet entitled "Majur Krishak Chhatra-O-Nimnamadhya-bitta Janasadharaner Upar Kangressee Sarkarer Fascist Julum" (Fascist highhandedness of the Congress Government on labourers, peasants, students and lower middle class people), issued by the Revolutionary Communist Party, Bengal Provincial Committee, contains prejudicial report of the nature described in sub-section (*4*) of section 2 read with sub-clause (*ii*) of clause (*a*) of sub-section (*7*) of section 2 of the West Bengal Security Act, 1948 (Act III of 1948);

Now, therefore, in exercise of the power conferred by clause (*c*) of sub-section (*1*) of section 8 of the said Act, the Governor hereby declares to be forfeited to His Majesty all copies, wherever found, of the said leaflet and all other documents containing copies, reprints and translations of, or extracts from, the said leaflet.

No. 1077Pr.—3rd December 1948.—Whereas the opinion of the Governor the leaflet entitl "Lal Nishan", beginning with the wor "Soshita Janasadharaner Laraiya Pulis O I Amader Sahajoddha" and ending with "Inqui Zindabad", issued by the Bengal Provinc Committee of the Revolutionary Communist Par of India contains prejudicial report of nature described in sub-section (*4*) of section read with sub-clause (*ii*) of clause (*a*) and clau (*d*) of sub-section (*7*) of section 2 of West Bengal Security Act, 1948 (Act of 1948);

Now, therefore, in exercise of the power co ferred by clauses (*d*) and (*e*) of sub-section (*1*) section 8 of the said Act, the Governor here prohibits the further publication, sale or distribution of the said leaflet, of any extract therefrom or of any translation thereof, and declares to forfeited to His Majesty all copies, wherev found, of the said leaflet and all other documen containing copies, reprints and translations or extracts from, the said leaflet.

By order of the Governor

P. C. ACHARJI,

Dy. Secy. to the Govt. of West Beng

Printed and published by the Superintendent, Govt. Ptg., West Be at West Bengal Govt. Press, Alipore, on the 3rd December 19

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The Calcutta Gazette

Extraordinary

Published by Authority

SATURDAY, DECEMBER 4, 1948

PART I—**Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.**

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

NOTIFICATION.

No. 1083Pr.—4th December 1948.—In exercise of the power conferred by section 19 of the Indian Press (Emergency Powers) Act, 1931 (XXIII of 1931), the Governor is pleased to declare all copies, wherever found, of the leaflet in Bengali entitled "Abar Ekso-Chuallis Dhara" (Section 144 of the Criminal Procedure Code again), beginning with the words, "Paschim Bangla Sarkar" and ending with "Sarbahara", and all other documents containing copies, reprints or translations of, or extracts from, the said leaflet, to be forfeited to His Majesty on the ground that the said leaflet contains matter of the nature described in clause (*d*) of sub-section (*1*) of section 4 of the said Act.

By order of the Governor,
P. C. ACHARJI,
Dy. Secy. to the Govt. of West Bengal.

Constitution and Elections.

NOTIFICATION.

No. 1797A.R.—3rd December 1948.—Whereas a New Constitution for the Dominion of India is being framed;

AND WHEREAS in the special circumstances aforementioned above, the Governor thinks it fit that the periods for certain electoral rolls should be extended and certain electoral rolls shall continue to operate until revision;

NOW, THEREFORE, in exercise of the powers conferred by rule 33 of the West Bengal Legislative Assembly Electoral (Preparation, Revision and Publication of Electoral Rolls) Rules, 1947, and of all other powers enabling him in that behalf, the Governor is pleased to direct that the periods of the electoral rolls which are still in force shall be extended until revision and the electoral rolls which have ceased to have force shall continue to operate until such revision.

By order of the Governor

M. M. BASU,

Dy. Secy. to the Govt. of West Bengal

gistered No. C207

The Calcutta Gazette

Extraordinary

Published by Authority

MONDAY, DECEMBER 6, 1948

RT I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF LAND AND LAND REVENUE.

Land Acquisition.

NOTIFICATION.

Burdwan.—No. 9441L.A.(P.W.) - 6th December 1948. - Whereas it appears to the Governor that land is likely to be required to be taken by Government at the public expense for a public purpose, viz., for resettling the people displaced by the acquisition of lands for Locomotive Building Works Projects of the East Indian Railway, in the villages of Jorebari, Ghiadoba and Namokeshia, jurisdiction list Nos. 46, 57, 54, respectively, thana Salanpur, pargana Pandra, district Burdwan, it is hereby notified that for the above purpose a piece of land comprising cadastral survey plot Nos. 248, 250, 515, 917, 988, 1013 and 1017 in mauza Jorebari, Nos 68 and 632 in mauza Ghiadoba and Nos. 1, 3, 21, 711 and 713 in mauza Namokeshia, measuring, more or less, 292·64 acres, is likely to be required within the aforesaid villages of Jorebari, Ghiadoba and Namokeshia

This notification is made, under the provisions of section 4 of Act I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the Special Land Acquisition Officer, Burdwan.

In exercise of the powers conferred by the said section, the Governor is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

Any person interested in so much of the above land as are not waste or arable, who has an objection to the acquisition thereof, may, within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the Collector of Burdwan.

In exercise of the powers conferred by section 17(*4*) of the Land Acquisition Act, I of 1894, as amended by Act XXXVIII of 1923, the Governor is pleased to direct that the provisions of section 5A of the Act shall not apply to the waste and arable portions of the land in this case.

By order of the Governor,

S. BANERJEE,

Member, Board of Revenue, and Secy. to the Govt. of West Bengal (ex-officio).

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Extraordinary

Published by Authority

TUESDAY, DECEMBER 7, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION.

No. 2221D.C.S.—7th December 1948.—In exercise of the power conferred by clause (*b*) of sub-section (2) of section 3 of the West Bengal Cement Control Act, 1948 (West Bengal Act XXVI of 1948), the Governor is pleased to make the following amendment in notification No. 1043D.C.S., dated the 21st August 1948, published at page 695 of Part I of the *Calcutta*

Gazette, Extraordinary, of the 21st August 19
namely :—

Amendment.

To the said notification *add* the following :—

"(*g*) Technical Assistants of Consumer Goo
Calcutta;

(*h*) Special Assistants of Consumer Goo
Calcutta."

By order of the Governor,

R. S. KRISHNASWAMY,

Secy. to the Govt. of West Bengal

**Printed and published by the Superintendent, Govt. Ptg., West Beng
at West Bengal Govt. Press, Alipore, on the 7th December 1948**

tered No. C207

The Calcutta Gazette

Extraordinary

Published by Authority

WEDNESDAY, DECEMBER 8, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

General Administration.

RESOLUTION.

No. 37886-G.A.—7th December 1948.—His Excellency the Governor and His Council of Ministers have heard with profound regret of the sudden and untimely death in Calcutta of Srijut [illegible] M. Mitra, I.C.S., on the 21st November 1948.

Srijut Mitra entered the Indian Civil Service on the 25th October 1923 and spent the greater part of his 25 years' service as a District and Sessions Judge in various districts in Bengal. During this period he gained a reputation for administering strict and impartial administration of the law with a deep understanding of and real sympathy for all classes of the people and earned the love and respect of those who came in contact with him. In August 1947 he was appointed as Chief Land Acquisition Collector, Calcutta, and re-

January of this year he was posted as Commissioner for Workmen's Compensation, West Bengal and President of the Agriculture Income-tax Appellate Tribunal. He held both these offices with distinction, and died while on short leave continuation of the Puja holidays.

His Excellency the Governor and His Council of Ministers desire to record their profound regret at this sudden and untimely loss of an officer of outstanding merit and convey to his family sincere expression of their sympathy.

By order of the Governor,

S. SEN,

Chief Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Ptg., West Bengal at West Bengal Govt. Press, Aliporo, on the 8th December 1948

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The Calcutta Gazette

Extraordinary

Published by Authority

WEDNESDAY, DECEMBER 8, 1948

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Date ...

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF LABOUR.

NOTIFICATION.

No. 4464Lab.—6th December 1948.—Whereas under the Government of West Bengal, Commerce, Labour and Industries Department, order No. 3077-Lab., dated the 30th August 1948, the industrial dispute over the question of retrenchment of staff between Messrs. Allen Berry & Co., Ltd., and its branches in West Bengal with its head office at 2, Hazra Road, Calcutta, and the workmen in their workshops as represented by Allen Berry (Hazra Road) Mazdoor Congress, 26A, Deodar Street, Calcutta; Allen Berry Workers' Union, 121, Lower Circular Road, Calcutta; Allen Berry & Co., Sodepur Mazdoor Union, Sodepur, 24-Parganas; and Allen Berry & Co. Employees' Union, 63, Grand Trunk Road (South), Howrah; was referred for investigating the said dispute and for promoting a settlement thereof to a Board of Conciliation constituted by Mr. S. N. Varma and Mr. M. M. Slade representing the employers and Sri Patit Paban Pathak and Sri Kishori Mohan Mukherjee representing the workmen, as members, and Sri S. K. Sarkar, Additional District Judge, as Chairman of the said Board;

And whereas under sub-section (3) of section 13 of the Industrial Disputes Act, 1947 (XIV of 1947), the said Board has sent its report to the Provincial Government as shown in the annexure hereto;

Now, therefore, in exercise of the power conferred by section 17 of the aforesaid Act, the Governor is pleased to direct that the report be published in the *Calcutta Gazette*.

ANNEXURE.

Report of the Board of Conciliation in the industrial dispute between Messrs. Allen Berry & Co., Ltd., and its branches in West Bengal and the workmen in their workshops as represented by Allen Berry Mazdoor Congress, 26A, Deodar Street, Calcutta; Allen Berry Workers' Union, 121, Lower Circular Road, Calcutta, Allen Berry & Co., Sodepur Mazdoor Union, Sodepur; and Allen Berry & Co. Employees' Union, 63, Grand Trunk Road (South), Howrah.

By Government order No. 3077Lab., dated the 30th August 1948, the above industrial dispute relating to retrenchment of staff between Messrs. Allen Berry & Co., Ltd., and its branches in West Bengal and their workmen represented by the four Unions mentioned above was referred to a Board of Conciliation constituted under section 5 of the Industrial Disputes Act for investigating the said dispute and promoting a settlement thereof. The Board was constituted with five members of whom two, namely, Mr. S. N. Varma and Mr. M. M. Slade, represented the Company and two, namely, Sri Patit Paban Pathak and Sri Kishori Mohan Mookherjee, represented the workmen. Sri P. K. Sarkar, Additional District Judge, was appointed Chairman of the Board. The Board held eight sittings for hearing of the dispute. In these sittings the representatives of the Company and of the Unions were present. The last sitting of the Board for hearing the dispute was held on 2nd November 1948. Sri Patit Paban Pathak, a member of the Board, did not appear at that sitting and it was reported by the Unions' representatives that he had been arrested. Three sittings of the Board were held after 2nd November 1948 for discussion of the report to be submitted to the Government. Sri Patit Paban Pathak was not available at these discussions. On 2nd November 1948 the representatives of the Unions submitted to the Chairman of the Board an undated letter signed by Sri Patit Paban Pathak and addressed to the Chairman. This letter purports to contain the views of Sri Patit Paban Pathak about the dispute before the Board. We are enclosing that letter along with this report. Sri Kishori Mohan Mookherjee was present at the discussions regarding the report but did not at the end sign the report. He gave a separate report which is enclosed herewith.

1. History of the dispute.

The dispute relates to the question of retrenchment of the staff. Allen Berry & Co., Ltd., which has been acquired by Messrs. Dalmia Jain & Co., had purchased large stocks of disposal vehicles and spares from the Government of India in the year 1946 at a cost of nearly 6 crores of rupees. The Company thereafter expanded its existing workshops and depots and started new workshops at Jodepur, Sodepur and Howrah, and began reconditioning and selling these vehicles since August 1946. Large number of men were recruited for work in the workshops at Jodepur, Sodepur and

Howrah and also at Hazra Road in 1946 and thereafter. On the 12th July 1948, Mr. Varma, the General Manager of the Company, called a meeting of the representatives of the Unions and explained to them certain difficulties which the Company was experiencing in connection with the disposal vehicles. He stated that the sales of such vehicles had come to a standstill and that unless these could be revived a critical stage would be reached for the Company. These difficulties he attributed to three principal causes, namely:—

(1) increase in the number of foreign vehicles imported into India which had seriously affected the sale of the disposal vehicles;

(2) meagre allotment of railway wagons to the Company which had prevented sale and delivery at various destinations of vehicles reconditioned by the Company;

(3) diminution of petrol supplies to the Company which had affected the work of reconditioning in the workshops.

Mr. Varma told the meeting that in view of these difficulties it had become imperative for the Company to curtail expenses and retrench the staff. He, however, held out the hope that if the Company could secure certain orders from the Government of India, Defence Department, which it was expecting, and if its petrol quota was restored, work might continue. After this meeting the Allen Berry Head Office Employees' Union made a representation to the Labour Commissioner on 26th July 1948 and requested the Government to take immediate action to stop retrenchment. The Labour Commissioner wrote to the Company and the Company in reply explained its position in a long letter on 9th August 1948. The points raised in this letter will be mentioned hereafter. Subsequently on 17th August 1948 the Company informed the Government of West Bengal that the Company's Jodepur Depot was situated on a plot of land which was the property of Messrs. Mugneeram Bangur & Co. and that the latter had recently sent a notice to the Government of India, Ministry of Defence, under section 80 of the Civil Procedure Code intimating that unless the land was restored to their possession a suit would be brought for the land. A copy of this notice which had been sent to Allen Berry & Co. was also enclosed with the letter. The Company informed the Government that it was urgently necessary to close down the Jodepur Depot and retrench the staff in that depot. Thereafter the dispute was referred to the Board of Conciliation.

2. The facts and circumstances relating to the dispute.

(A) *The case of the Company.*—The Company employs at present 977 workmen in the Jodhpur depot besides 96 foremen, supervisors, clerks, peons, etc. The total is 1,073. In the Howrah depot the Company employs 723 men, in the Sodepur depot it employs 710 men and in the Hazra Road workshop it employs 1,033 employees. The grand total is 3,539 men. The Company proposed in its letter to the Labour Commissioner, dated 9th August 1948, to retrench about half of the men in the above four depots and workshops. The Company stated that it intended to carry out retrenchment in accordance with the directions given in the award of Sri S. K. Sen, I.C.S., dated 9th June 1948, in the dispute between the Company and its employees.

The grounds on which the Company wants to retrench the staff are set out in full in its letter to the Labour Commissioner, dated 9th August 1948, which has already been referred to. The following are the important points mentioned in that letter and in subsequent statements filed before the Board:—

(*i*) The Company mentioned that when the disposal vehicles were purchased an assurance was given that the Government of India would restrict import of commercial vehicles from abroad to enable the Company to recondition and dispose of nearly 35 thousand vehicles that had been taken over.

(*ii*) The Government, however, gradually relaxed restrictions upon import of vehicles from abroad and in consequence of influx of such vehicles in large numbers most of the potential buyers including Government Departments and public bodies are now reluctant to purchase disposal vehicles.

(*iii*) In some Provinces the Government have refused to register the disposal vehicles. The authorities in Calcutta have recently decided not to register any left-hand-driven vehicles with the result that Calcutta, which was a potential market has now been totally closed to the Company.

(*iv*) Previously the Government of West Bengal did not create any difficulties regarding despatch of vehicles out of the Province, but recently they have cancelled permission granted for despatch of 300 jeeps to Jodhpur State.

(*v*) The Company has been experiencing serious difficulties on account of meagre allotment of railway wagons for the transport of vehicles to various centres either for sale or for delivery. The Company has nearly 1,500 vehicles ready for delivery but is unable to move them out of Calcutta. Orders placed on the Company for such vehicles have been, in some cases, cancelled in view of the delay in delivery. The vehicles which are ready but could not be removed have to be kept in the open in the depots and, in consequence, in nearly 75 per cent. cases a lot of work will have to be done over again on these vehicles before they can be used.

(*vi*) The Company's petrol supplies have been cut down. The Government of India granted the Company coupons for nearly 100,000 gallons of petrol to start with. This was, however, gradually reduced and during six months up to July 1948 the Company was obtaining 30,000 gallons of petrol each month. In July 1948 the Government declined to grant the Company further coupons and as a result the work practically stopped in the depots. In August and September the Company received 7,500 gallons of petrol per month.

In order to make out its case, the Company has produced certain statements and copies of correspondence. With regard to point No. 1, the Company produced a copy of a letter addressed to it by the Director, United States Transfers, Government of India, on 11th July 1946. In this letter certain assurances were given to the Company in connection with the disposal of the vehicles purchased by the Company. One assurance was that the Company would be given every assistance to obtain the quantities of diesel and petrol fuels that may be required at the sale and maintenance depots of the Company in connection with the purchased vehicles. Another was that the Company would be helped to obtain export licenses in connection with the said vehicles. The assurance mentioned by the Company in point No. 1 about restriction on the import of commercial vehicles from abroad is not, however, referred to in the letter. The Company has, however, stated that the fact mentioned in point No. 2 that relaxation of restriction on the import of commercial vehicles has considerably affected the Company's sales of disposal vehicles is well known and cannot be disputed. In proof of

his the Company has filed a statement of its les from January to July 1948. The statement as follows:—

ale statement on a monthly basis from January to July 1948.

January—Rs. 5,39,820.
February—Rs. 7,38,990.
March—Rs. 9,41,250.
April—Rs. 6,66,225.
May—Rs. 1,12,700.
June—Rs. 1,63,750.
July—Rs. 2,26,920.

It will thus appear that the sales are going down nce the peak reached in March and April. The ompany has further produced a statement of the utstanding orders as on 31st August 1948 and the tal number of vehicles in this statement is 737 nd the value thereof is Rs. 15,40,640. According the Company, most of these vehicles have now een made ready and it has got no new orders to xecute.

With regard to point No. 4, the Company has roduced a copy of a letter from the Joint Secre- ry, Home (Transport) Department, to the Com- any, dated 6th August 1948, which shows that the nection previously conveyed for despatch of 300 eps to Jodhpur State was cancelled. With regard point No. 5, the Company has produced a state- ent showing the number and value of the orders disposal vehicles which had been cancelled on ccount of non-availability of railway wagons in me. The total number of such vehicles is 57 and e total value is Rs. 2,11,050. With regard to oint No. 6, the Company has stated that the pproximate quantity of petrol required monthly the depots for workshop use is nearly 15,000 allons per month out of which the Company got July and August only 7,500 gallons per month, stated. In July and August the Company could ake ready only 88 vehicles at Jodhpur depot as gainst an average of 120 monthly, 55 vehicles at odepur depot as against a monthly average of 0, 29 vehicles at Hazra Road Depot as against a onthly average of 43, and 107 vehicles in Howrah epot as against a monthly average of 210 vehicles n account of want of petrol.

(B) *The case for the Unions.*—In its letter to the abour Commissioner, dated 26th July 1948, to hich reference has been made, the Head Office mployees' Union did not make any suggestion at the difficulties which had been mentioned by r. Varma at the meeting held on 12th July 1948, amely, influx of vehicles from abroad, meagre otment of railway wagons and reduction of etrol supplies, were not genuine. The Union ated, on the other hand, that these difficulties ere not within its power to solve and that it was or the Central Government to find out some eenues to help the Company and thereby stop trenchment. The Union therefore requested the overnment to take up the matter immediately ith the Central Government. The Unions did not le any statement before the Board excepting aking certain suggestions for alternate employ- ent. The attitude which the Unions took before e Board was to request the Company to approach e Central Government and other authorities in der to get their difficulties removed and secure ore orders and to adopt various measures for ternate employment. The Unions have also sent legrams to the Prime Minister and Deputy Prime inister of the Government of India to help the ompany and copies of these telegrams have been ed. The Company stated that it had approached l the authorities necessary for removal of its fficulties but without success. On 21 l November 48 Mr. Varma, the General Manager of the Com- any, who had just returned from a visit to Delhi here he contacted the Defence Department and other authorities, stated in reply to the query of the Unions' representatives that he had not been able to secure any new orders for disposal of the vehicles and that there was no improvement in the position of the Company. As regards alternate employ- ment, the representatives of the Unions proposed—

(*i*) that the Company should start repair shops for repair of ex-military vehicles;

(*ii*) that the Company should convert the left-hand-driven vehicles into right-hand-driven vehicles;

(*iii*) that certain types of vehicles should be converted into tractors; and

(*iv*) that the prices of the vehicles should be lowered down.

With regard to the last point, it appears from the statement of the Company that prices of certain vehicles had actually been lowered down. Thus G.M.C. trucks which used to be sold formerly at Rs. 6,500 each, are now being sold at Rs. 5,500 and Dodge 5-tonners which used to be sold at Rs. 10,750 are now being sold at Rs. 10,000 or less. The price of jeeps has, however, been increased and the Company explains that this is due to the fact that more work is now necessary for reconditioning a jeep on account of its defective parts and that this entails larger expenses than formerly. The Company's reply to these proposals is that it is not possible to adopt them and that retrenchment cannot be avoided. Sri Patit Paban Pathak has, in his letter submitted to the Chairman, proposed that the Company should be asked to arrange for repair and overhaul of private cars and trucks and for manufacture of spare parts. The Company states that it actually does such business in the Hazra Road depot and that there is no possibility of further expansion of such business at present.

The Unions' representatives raised certain other points and sought for information on them from the Company. These points related to the financial position of the Company, the profits it made in the past, the dividends it declared, its relationship with Messrs Dalmia Jain Airways, Ltd., and such other matters. These questions were not relevant to the dispute before the Board and enquiries into these were not therefore necessary in any way in connection with the dispute. The Unions were not accordingly allowed to raise such questions or to put any interrogatories to the Company on such matters.

3. Attempts made by the Board to settle the dispute and the reasons for the failure.

Various attempts were made by the Board to bring about a settlement of the dispute but all such attempts eventually failed because the Unions' representatives stated that they could on no account agree to the principle of retrenchment. They wanted the Company to carry on by reducing overhead expenses and pay of the higher grade staff with less or no profit, if necessary. The Company, however, stated that it was not so much a question of carrying on by reducing the expenses or without any profit as a question of providing work for the workmen in the workshops. If the disposal vehicles cannot now be sold as before, it was no use, according to the Company, reconditioning and producing new vehicles which the Company had no place to keep under cover and for which there might ultimately be no demand. The Unions felt the difficulties of the position of the Company but would not agree to any retrenchment whatsoever. They stated that it was against their principle to make any concession on the question of retrenchment. As will appear from the findings of the Board in the next paragraph, the Board feels that some retrenchment is unavoidable and if this principle is not conceded, there cannot be any possibility of settlement between the parties.

4. Findings of the Board.

So far as the Board has been able to investigate the dispute, it seems to be clear that the Company is experiencing certain genuine difficulties in the reconditioning and despatching of these vehicles and that in consequence it has had to stop reconditioning them in the same manner and in the same number as before. The difficulties regarding supply of petrol, meagre allotment of railway wagons, stoppage of despatch of jeeps outside West Bengal and the fall in the number of orders are certainly genuine, which the Unions did not dispute. It is not in the Company's power to remove these difficulties. It is not clear how Sri Patit Paban Pathak maintains in his letter, enclosed with the report, that most of the difficulties have either been solved or are about to be solved, since the difficulties still remain. It is further necessary to emphasise that even if the position improves in respect of petrol supplies, allotment of railway wagons, etc., still the difficulty of finding customers for the disposal vehicles in the face of influx of cars from abroad will remain and the Board feels that under the circumstances the Company is justified in seeking to curtail its production. The Company has further insisted that since the disposal stocks which have already been sold or which might yet be sold would not be replaced, the volume of work in the workshops must diminish and the Company would not be able to provide employment for all its workmen in any case. In this view of the matter retrenchment seems to be unavoidable. Finally the Company has pleaded that the most urgent question at present before it is the question of stoppage of work at Jodhpur depot on account of the threatened litigation by Messrs. Mugneeram Bangur & Co. The Company's representatives stated that the Land and Hirings Department had been pressing the Company to vacate this depot. The Company proposes to remove the materials from the Jodhpur depot to a site at Konnagar and this work, according to the Company, will take nearly three months and would require 20,000 gallons of petrol. The Unions' representatives stated that they had no objection to the Jodhpur depot being closed provided that the depot was removed elsewhere intact and no workmen were retrenched. This, however, was impossible, according to the Company, as the Jodhpur depot cannot be removed elsewhere as a going concern and work cannot be provided for workmen who are now employed in the depot in the event of removal. The Board is satisfied that the removal of the Jodhpur depot is now the most urgent question before the Company and this must involve retrenchment of the staff in that depot.

5. Recommendations of the Board.

The Board accordingly recommends that the Company may be permitted to close down the Jodhpur depot and retrench the staff employed therein. This will involve retrenchment of 1,073 employees out of a total of 3,539 employees employed in the four depots at Jodhpur, Howrah, Sodepur and Hazra Road. The Company initially proposed to retrench about 50 per cent. of its employees in these depots. If the retrenchment is confined to the Jodhpur depot only, then it will involve retrenchment of only 30 per cent. of employees, taking all the depots together. The Board does not think it necessary that any retrenchment of staff should be undertaken in any of the three depots at Howrah, Sodepur and Hazra Road. The Company's representatives also agree that there will for the present be no retrenchment in the said three depots, if the Jodhpur depot is closed and the staff therein are retrenched. The Board therefore recommends that the Jodhpur depot should be closed and the employees therein retrenched and that there should be no retrenchment in the other three depots. The retrenchment should be effected in the manner and accordi the directions laid down in the award of Sri S Sen, I.C.S., dated 9th June 1948, which enforced by Government order No. 1962 dated 15th June 1948. The retrenched empl will also be entitled to gratuity according t scale laid down in the said award. If ther any vacancies in other depots and workshops Company should give preference to the retren employees of the Jodhpur depot in making app ments therein. In future also in the even vacancies, the Company should give such pr ence to them, other conditions being equal.

P. K. SARKAR,
Chairman.

M. M. SLADE,
Member of the Bo

S. N. VARMA,
Member of the Bo

Enclosure No. 1.

To SRI P. K. SARKAR, *Chairman, Board Conciliation, Lyons Range, Calcutta.*

Re: Industrial dispute between Messrs. Al Berry & Co., Ltd., and its branches in W Bengal and its employees as represented (1) Allen Berry Mazdoor Congress, (2) Al Berry & Co. (Sodepur) Mazdoor Union, Allen Berry Employees' Union, Howrah Jodhpur.

General view of the dispute.

I express my utter disappointment as the Boa of Conciliation which has been set up by the G ernment of West Bengal for investigating dispute and to bring a settlement thereof has fai to achieve a complete amicable settlement betw the parties to the dispute. But I am satisf to that extent that it has got certain facts dur the short proceedings of the Board which will he me to discuss the merits and demerits of the disp in question. Although major and vital inform tions were not submitted by the Company wh were asked by the different Union's representati from time to time and such non-submission materials and relevant facts by the Company h hampered discussion and possibly was responsi to some extent for the failure of the mutu settlement between all concerned, yet the discu sion took place and evidences taken and also t documents and statements that were produced bef the Board helped every one of us to have a view the whole show.

The main dispute is relating to retrenchme which comes into question as a measure of Co pany's curtailment of expenses. The Compa wants to curtail its expenses which it incurs i the running of its business. And the Company not willing to think to curtail expenses in ot forms than by retrenching men. The Company put forward before the Board three main diffic ties which have reduced their sale and consequen the Company is running perhaps at a less profit comparison with previous profit. The difficult are as follows:—

(1) Influx of new vehicles from abroad.

(2) Shortage of railway priorities.

(3) Short supply of petrol.

The reasons mentioned above, according to Company's statements, are responsible for present situation and, according to the Compan opinion, it is imperative to curtail expenses for smooth running of its business. On the ot hand, the workers' representatives stated that Company's position did not deteriorate to a appreciable magnitude. The present stage of l

profit, as the representatives said, might very easily be overcome by reducing different unnecessary expenses which amounts to lakhs of rupees every month. The workers were ready to assist the Company with whatever means in their power only if the Company would give up the idea to kick at their stomach at this present time of serious crisis. The workers' representatives were not satisfied, and according to them, no attempt was made by the Company to show that the Company was really suffering from financial trouble as a result of which they were not in a position to keep all the men working at present with their jobs. Moreover, the Unions' representatives have given various constructive suggestions to expand the Company's business. The workers alleged that sometimes the Company give their costly work to outside garages and motor repairing workshops which can be very easily done in its own workshop and the Company can make much profit. The workers further alleged that the Company sells such parts to outside customers which they require for their workshop and sometimes it hampers their works. Moreover, men at the helm of affairs and responsible officers do take little care for necessary supervision and efficient management. Sometimes many inefficient men are provided with responsible job and fat salary, in what interest the workers explain, who are in many ways responsible for irregularity of works and inefficiency, the workers alleged. All these in aggregate, the workers stated, are responsible for the present situation and the Company can tide it over by efficient management and putting right man in right job. And also mainly by curtailing unnecessary expenses. The workers' representatives maintain that retrenchment is no solution to any concern which is suffering from inefficient management and various irresponsible practices by responsible men.

Findings.

1. It is a fact that the Company is suffering from inefficiency in management and supervision of works which is a great handicap to the Company and so to the workers.

2. The Company is for the time being suffering from short supply of wagons.

3. Influx of new vehicles from abroad has affected the Company's business so far motor cars are concerned but as regards trucks, trailers, water and oil tanks and dumps, etc., the Company should not be much worried as they are not imported from abroad at present. As regards cars, the Company has practically no car in their disposal stock and therefore they may not find trouble in this respect.

4. Business can more profitably be run with the present strength after some major alternation in the management and control of affairs.

5. It is noticeable that total amount of wages including the fat salaries of officials is a poor fraction of the total monthly expenses of the Company.

6. General shortage of petrol supply has some influence over a section of buyers, who look a thousand times before they leap, and they may not be large in number.

7. The Company gets costly works done by outside workshops which they can profitably do in their own workshop.

Recommendations.

With all right and responsibility conferred to me I request the Company to consider the matter once again if they can carry on by curtailing expenses by other measures and not by retrenchment. The Company should observe economy in consumption of petrol. The Company is finding main difficulty with the site of Jodhpore depot (which has come to their picture very recently) for which it may be involved into litigations. So the Company is anxious to close down the depot but as regards Hazra Road, Sodepore and Howrah, the Company is satisfied to carry on with their present strength. Therefore the dispute remains only with Jodhpore depot for which the Company finds no other alternative than to close it down. It is good that the Company is agreed to continue Hazra Road, Sodepore and Howrah depots with their present strength, but I am extremely sorry to note that they find no other way out than to close down the Jodhpore depot. In my opinion the Government of West Bengal should take up the case of Jodhpore depot and help the workers as well as the Company in this crisis in whatever manner the Government thinks necessary. I like to impress that Government should see that justice is done to hundreds of poor workers in this hard days.

K. M. MOOKERJEE.

The 6th November 1948.

Enclosure No. 2.

To SRI P. K. SARKAR, M.A., B.L., *Chairman, Board of Conciliation.*

(In the matter of industrial dispute between Messrs. Allen Berry & Co., Ltd., and their workmen.)

In course of proceedings of the Board, in all the joint meetings it has been seen that the representatives of the Company were not agreeable to discuss any scheme of alternate employment which was put forward by the Unions.

In view of the bright prospect and unique resources at their disposal, the management could profitably use these trained and experienced automobile workers. Constant insistence on their part seems to me an attempt at rationalisation, i.e., to do the job by less hands.

The Company owns one of the finest and most equipped automobile assembly/repair arrangements in India and has at their disposal hundreds of technicians who had served during the war years under General Motors, Ltd.

The Company had tried to avoid placing statement of accounts on one plea or other. They have realised nearly all the money (if not the whole of it) they invested in this trade and still have thousands of vehicles, tons and tons of spare parts in stock which will fetch lakhs of rupees.

Originally the Company wanted to retrench for certain difficulties, but when most of them were either solved or were about to be solved the Company took a complete different turn and insisted on retrenchment and retrenchment alone.

From the statements by the Unions it transp that mass retrenchment now, and again recruit a few days after, is a feature in this Compa which fact was not contradicted by the mana ment.

However, it is my opinion that the Compa should not be allowed to do away with the serv of any worker at present.

The Company should be asked as suggested the Unions to—

(1) arrange for repair and overhaul of priv cars and trucks;

(2) manufacture spare parts for sale in market;

(3) undertake conversion of military vehicle private and civil use; and

(4) constitute joint production and manage committee for all these.

If this scheme is experimented for a perio at least one year, I am sure it will bear fruit.

In view of the huge profit made by the Compa the above scheme will not put extra financial bu on the Company, I am sure.

PATIT PABAN PATH

By order of the Govern

D. S. P. MUKHERJEE,
Jt. Secy. to the Govt. of West Beng

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 8th December 1948.

No. C207

The Calcutta Gazette

Extraordinary

Published by Authority

WEDNESDAY, DECEMBER 8, 1948

Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

ORDER.

1094Pr.—8th December 1948.—Whereas in opinion of the Governor, the "Nai Roshni", a newspaper, edited by Suryadev Upadhyaya Bhagi", printed for him at the Janabani Press Publication, Limited, 36, Baranasi Ghosh , Calcutta, and published by him from 147, Bowbazar Road, Calcutta, contains in its issues of 4th, 11th and 18th November 1948 prejudicial ts of the nature described in sub-section (*d*) section 2 read with sub-clause (*vi*) of clause (*a*) sub-section (7) of section 2 of the West Bengal rity Act, 1948 (Act III of 1948);

Now, therefore, in exercise of the power conferred by clauses (*d*) and (*e*) of sub-section (*1*) of section 8 of the said Act, the Governor hereby prohibits the further publication, sale or distribution of the said issues of the newspaper and also the publication, sale or distribution of any subsequent issue thereof, in West Bengal, and declares to be forfeited to His Majesty all copies, wherever found, of the issues of the said newspaper of the 4th, 11th and 18th November 1948 and all other documents containing copies, reprints and translations of, or extracts from, the said newspaper.

By order of the Governor,
R. GUPTA,
Secy. to the Govt. of West Bengal.

[illegible] VE
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Fil[illegible]
Diary

Printed and published by the Superintendent, Govt. Ptg., West Bengal at West Bengal Govt. Press, Alipore, on the 8th December 1948.

Registered No. C207

The Calcutta Gazette

Extraordinary

Published by Authority

FRIDAY, DECEMBER 10, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDER.

No. 22362D.C.S.—9th December 1948.—In exercise of the power conferred by clause (*b*) of paragraph 30 of the West Bengal Cotton Cloth and Yarn Control Order, 1948, the Governor is pleased to make the following amendment in the order No. 19509D.C.S., dated the 27th September 1948, published as an extraordinary issue of the *Calcutta Gazette* of the 28th September 1948, namely:—

Amendment.

To the said order, *add* the following, namely:—

"(4) Director of Telegraph Workshops, Alipore, Calcutta."

By order of the Governor,

R. S. KRISHNASWAMY,

Secy. to the Govt. of West Bengal.

inted and published by the Superintendent, Govt. Ptg., West Bengal, at West Bengal Govt. Press, Alipore, on the 10th December 1948.

Now, therefore, in exercise of the power conferred by clauses (*d*) and (*e*) of sub-section (*1*) of section 8 of the said Act, the Governor hereby prohibits the further publication, sale or distribution of the said issues of the newspaper and also the publication, sale or distribution of any subsequent issue thereof, in West Bengal, and declares

Registered No. C207

The Calcutta Gazette

Extraordinary

Published by Authority

SATURDAY, DECEMBER 11, 1948.

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

ORDERS.

No. 21978 D.C.S.—1st December 1948.—In exercise of the powers conferred by sub-section (*1*) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clauses (*h*) and (*j*) of that section and with the notification of the Government of India, in the Department of Food, No. PY 603(2)1, dated the 21st October 1946, published in the *Gazette of India, Extraordinary*, of the 21st October 1946, as subsequently amended, the Governor, with the concurrence of the Central Government, is pleased to repeal the Bengal Rationing Preparatory Inquiry Order, 1943, published under notification No. 901 D.C.S., dated the 22nd September 1943, as subsequently amended:

Provided that the said Order shall be deemed to continue in force for the purpose of any investigation or proceedings whether commenced before or after the repeal of the said Order relating to any contravention of the said Order which has taken place before such repeal.

No. 21979 D.C.S.—1st December 1948.—In exercise of the powers conferred by sub-section (*1*) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clauses (*h*) and (*j*) of that section and with the notification of the Government of India, in the Department of Food, No. PY 603(2)1, dated the 21st October 1946, published in the *Gazette of India, Extraordinary*, of the 21st October 1946, as subsequently amended, the Governor, with the concurrence of the Central Government, is pleased to repeal the Bengal Rationing (Establishments) Inquiry Order, 1943, published under notification No. 1252 D.C.S., dated the 9th October 1943, as subsequently amended:

Provided that the said Order shall be deemed to continue in force for the purpose of any investigation or proceedings whether commenced before or after the repeal of the said Order relating to any contravention of the said Order which has taken place before such repeal.

No. 22031 D.C.S.—2nd December 1948.—In exercise of the power conferred by paragraph 9 of the Bengal Essential Foodstuffs Anti-Hoarding Order, 1944, the Governor is pleased to exempt from the provision of paragraph 4 of the said Order—

(*a*) every person who has in his possession paddy produced by himself or by the members of his family with or without the help of paid labourers or by his *adhiars*, *bargadars* and *bhagdars* from lands held by such person in the Darjeeling-Kalimpong-Kurseong Urban Areas, and

(*b*) every person who has in his possession any paddy produced by himself by cultivating the land of any other person in the Darjeeling-Kalimpong-Kurseong Urban Areas as an *adhiar*, *bargadar* or *bhagdar*,

subject to the condition that the Ration Card of such person and the Ration Cards of the members of his household have been cancelled under paragraph 10A of the Bengal Rationing Order, 1943, on application made in that behalf by such person to the Town Rationing Officer by whom such Ration Cards were issued and a certificate has been obtained by such person from such officer on such cancellation in the form annexed to this Order.

Explanation.—In this Order—

(*a*) "the Darjeeling-Kalimpong-Kurseong Urban Area" has the same meaning as in the Darjeeling-Kalimpong-Kurseong Urban Area Rationing Regulations, 1946,

(*b*) "paddy" includes rice husked from the paddy referred to in clause (*a*) or clause (*b*) as the case may be.

Form of Certificate for cancellation of Ration Cards.

(Under order No. 22031 D.C.S., dated the 2nd December 1948.)

Certified that.....of village ..... living within the police-station of....., produced the following Ration Cards for cancellation and that the coupons on the Ration Cards have been duly cancelled under paragraph 10A of the Bengal Rationing Order, 1943, in respect of the weeks.....to the extent of..... maunds .....seers of rice.

He has been permitted to possess..... of paddy for seedling purposes.

The ration weeks.....remain to be cancelled. Ration Cards after renewal shall be produced before me by the holder of this certificate for necessary cancellation.

RATION CARDS.

Serial No.	Name of holder.	Area Index.	Folio.

.....

Dated.....194 *Town Rationing Officer.*

By order of the Governor,
R. S. KRISHNASWAMY,
Secy. to the Govt. of West Bengal.

NOTIFICATIONS.

No. 21980 D.C.S.—1st December 1948.—In exercise of the powers conferred by sub-section (*1*) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clauses (*h*) and (*j*) of that section and with the notification of the Government of India, in the Department of Food, No. PY 603(2)1, dated 21st October 1946, published in the *Gazette of India, Extraordinary*, of the 21st October 1946, as subsequently amended, the Governor, with the concurrence of the Central Government, is pleased to make the following Order, namely:—

1. (*1*) This Order may be called the West Bengal Rationing Preparatory Inquiry Order, 1948.

(*2*) It shall apply to the areas specified in Schedule I to this Order and may be extended by the Provincial Government by notification in the *Official Gazette* to such other areas as may be specified in the notification.

2. In this Order—

(*1*) "Director" means the Director of Rationing and Distribution, Department of Civil Supplies, West Bengal;

(*2*) "Inquiry Officer" means any person authorised by the Director or the District Magistrate or the Subdivisional Magistrate concerned to collect the information referred to in paragraph 3.

3. Every person shall on demand being made either orally or in writing by an Inquiry Officer furnish to such officer forthwith or within such period as may be fixed in this behalf by such officer full and true information on the following matters and on such other matters as may be incidental or explanatory thereto:—

(*a*) his name, age and occupation, and if employed, place of employment and name of employer;

(*b*) his or her father's name or husband's name;

(*c*) the name, age, occupation, and if employed, the place of employment and name of employer or the head of the family to which he belongs;

(*d*) the name, age and occupation, and if employed, the place of employment and the name of the employer of such of the members of his family as live in the same premises and share a common mess;

(*e*) the name, age, occupation, and if employed, the place of employment and the name of employer of such other persons or persons not belonging to the family but living in the same premises and sharing a common mess with the family; and

(*f*) the name and age of any servant or servants living on the premises employed by him or by the head of the family to which he belongs.

4. (*1*) On receipt of the information referred to in paragraph 3, the Inquiry Officer shall verify the information by such inquiries as he may consider necessary to make and shall then compile and sign and return in the form set out in Schedule II to this Order and thereafter forward the return to the Director or such other officer as may be specified in this behalf by the said Director.

(*2*) For the purposes of sub-paragraph (*1*), an Inquiry Officer may at any time after sunrise and before sunset enter upon and inspect any premises:

Provided that in entering upon and inspecting any premises the Inquiry Officer shall have due regard to the social and religious customs of the persons occupying the premises.

SCHEDULE I.

[*See* paragraph 1(*2*).]

1. The Municipality of Asansol in the district of Burdwan.

2. (*1*) *Mauzas* Bhagabanpur, jurisdiction list No. 141, Kharida, jur diction list No. 194, Nimgeria Patna, jurisdiction list No. 193, Bhabanip jurisdiction list No. 192, Raghabpur Darbeshchak, jurisdiction list No. 2 Belgiri, jurisdiction list No. 236, Taljuli, jurisdiction list No. 61, a Kharagpur, jurisdiction list No. 189, within Kharagpur Town police-stat in the district of Midnapore.

(*2*) So much of *mauza* Teghari, jurisdiction list No. 195, as is cover by cadastral survey plot Nos. 160, 161, 186 to 189, 198 to 202 and 204 216 within Kharagpur Town police-station in the district of Midnapore.

(*3*) So much of *mauza* Rajgram, jurisdiction list No. 196, as is cover by cadastral survey plot Nos. 462, 463, 477, 478, 482 to 523, 527 to 5 552 and 556 within Kharagpur Town police-station in the district Midnapore.

(*4*) So much of *mauza* Srikrishnapur, jurisdiction list No. 191, as covered by cadastral survey plot Nos. 312 to 315, 365 to 376, 451 to 4 462 to 541, 550 to 566, 580 to 653, 655 to 674, 680 to 684, 700 to 7 743, 746 and 751 within Kharagpur Town police-station in the district Midnapore.

(*5*) So much of *mauza* Debalpur, jurisdiction list No. 190, as is cover by cadastral survey plot Nos. 373 to 380, 392 to 516, 599 to 683, 688 692, 732 to 824, 826 to 828, 832, 837, 838 and 840 within Kharagpur Tow police-station in the district of Midnapore.

(*6*) So much of *mauza* Panchberia Milik, jurisdiction list No. 233, as covered by cadastral survey plot Nos. 340, 345, 346, 348, 349, 354 to 36 371, 372, 388, 389, 392 to 462, 466 to 472, 475 to 493, 496 to 658, 668 676 and 678 within Kharagpur Town police-station in the district Midnapore.

(*7*) So much of *mauza* Inda, jurisdiction list No. 232, as is covered b cadastral survey plot Nos. 128 to 135, 138 to 164, 166 to 183, 343 to 35 354, 362 to 391, 419 to 463, 470 to 476, 483 to 500, 515 to 525, 528 to 542, 54 549 to 875, 878 to 879, 881, 882, 885 to 892, 894, 895, 902, 1226 to 128 1295 to 1312, 1408, 1498 to 1500, 1502, 1506 to 1511 and 1513, portions o cadastral survey plot Nos. 1223 to 1225 to the west of the line drawn fro the north-eastern corner of cadastral survey plot No. 882 to the north-easter corner of cadastral plot No. 1311 and portions of cadastral survey plo Nos. 135 to 137 to the south of the line drawn from the north-eastern corne of cadastral survey plot No. 128 to the north-western corner of cadastral survey plot No. 183 within Kharagpur Town police-station in the district of Midnapore.

(*8*) So much of *mauza* Sanjal, jurisdiction list No. 312, as is covered by cadastral survey plot Nos. 1 to 653, 659, 662 to 666, 671 to 764, 769 to 774, 790 to 806, 1148 to 1150 and 1158 to 1164 within Kharagpur Town police-station in the district of Midnapore.

(*9*) So much of *mauza* Kaushalya, jurisdiction list No. 311, as is covered by cadastral survey plot Nos. 1 to 59, 61 to 65, 136, 250, 180 to 299, 303 to 500, 502 to 555, 636 to 638, 640 to 648, 650 and 652 to 661 within Kharagpur Town police-station in the district of Midnapore.

(*10*) So much of *mauza* Bulbulchati, jurisdiction list No. 235, as is covered by cadastral survey plot Nos. 1 to 12, 14 to 21, 27 to 37, 42 to 43, 45 and 46 and northern part of cadastral survey plot No. 22, between the line drawn from south-eastern corner of cadastral survey plot No. 10 to the north-eastern corner of cadastral survey plot No. 43 within Kharagpur Town police-station in the district of Midnapore.

(*11*) So much of *mauza* Gaikate, as is covered by jurisdiction list No. 237, excluding cadastral survey plot Nos. 88 to 92, 137 to 139 and 185 to 190 within Khargpur Town police-station in the district of Midnapore.

(*12*) So much of *mauza* Kasaikati, jurisdiction list No. 238, as is covered by cadastral survey plot Nos. 1 to 3, 5 to 22, 24, 63 and 64, within Kharagpur Town police-station in the district of Midnapore.

(*13*) The north part of *mauza* Sonamukhi, jurisdiction list No. 188, bounded on the south-west by the northern boundary of the Bengal Nagpur Railway line on the south-west and on the east by the western boundary of cadastral survey plot No. 1020 within Kharagpur Town police-station in the district of Midnapore.

(*14*). So much of *mauza* Teutiehati as is covered by jurisdiction list No. 144 to the north of the line formed by the southern boundaries of cadastral survey plot Nos. 46, 51, 55, 101, 102, 107, 109, 110, 753, 755, 781, 824, 834 and 837, portions of cadastral survey plot Nos. 825, 847 and 848 to the north of the line drawn from the north-western corner of cadastral survey plot No. 826 to the south-eastern corner of cadastral survey plot No. 16 and portions of cadastral survey plot Nos. 90 and 95 to the north-east of the line drawn from the south-western corner of cadastral survey plot No. 101 to the south-eastern corner of cadastral survey plot No. 115 within Kharagpur Town police-station in the district of Midnapore.

(*15*) So much of *mauza* Mathurakati Khas Jangal, as is covered by jurisdiction list No. 143, excluding cadastral survey plot Nos. 23 to 26 within Kharagpur Town police-station in the district of Midnapore.

(*16*) So much of *mauza* Kharagpur Khas Jangal, as is covered by jurisdiction list No. 142, excluding cadastral survey plot Nos. 272 to 274, 276, 295, 296, 303, 310, 317 to 324 and 328 to 417 within Kharagpur Town police-station in the district of Midnapore.

(*17*) So much of *mauza* Dewanmara, jurisdiction list No. 88, as is covered by cadastral survey plot Nos. 8, 13, 14 and 203 to 303, a portion of cadastral survey plot No. 15 to the east of the line drawn from the north-western corner of cadastral survey plot No. 22 to the south-western corner of cadastral survey plot No. 13 and a portion of cadastral survey plot No. 201 to the east of the line drawn from the north-western corner of cadastral survey plot No. 243 to the north-eastern corner of cadastral survey plot No. 251 within Kharagpur Town police-station in the district of Midnapore.

(*18*) So much of *mauza* Dewanmara Bentehati, jurisdiction list No. 87, as is covered by cadastral survey plot Nos. 1 to 4, 6, 8 to 30, 32, 41 and 50 within the Kharagpur Town police-station in the district of Midnapore.

3. (*1*) Burnpore Union within police-station Asansol in the district of Burdwan.

(*2*) Villages of Hirapore and Dharampur in *mauza* Hirapore bearing jurisdiction list No. 29 within police-station Asansol in the district of Burdwan.

(*3*) Villages of Narsingbad, Puranhat, Ramband and Dhurupdanga in *mauza* Narsingbad bearing jurisdiction list No. 27 within police-station Asansol in the district of Burdwan.

(*4*) Villages of Santa, Santa Danga and Radhanagar Road in *mauza* Sant bearing jurisdiction list No. 28 within police-station Asansol in the district of Burdwan.

(*5*) (*a*) *Mauza* Kulti bearing jurisdiction list No. 16, (*b*) *mauza* Kendun bearing jurisdiction list No. 14, (*c*) *mauza* Petana bearing jurisdiction list No. 15, (*d*) *mauza* Kuldi bearing jurisdiction list No. 26, (*e*) *mauza* Barakar bearing jurisdiction list No. 30, (*f*) *mauza* Monyerna bearing jurisdiction list No. 12 and (*g*) *mauza* Balitora bearing jurisdiction list No. 13, within police-station Kulti in the district of Burdwan.

4. *Mauza* Panuri bearing jurisdiction list No. 22, revenue survey plot No. 1599, within police-station Kulti in the district of Burdwan.

SCHEDULE II.

[*See* paragraph 4(*1*).]

Form of Return.

No.....

No..... Rationing Enquiry Form..... Area.....

Sub-Area..... Post Area..... Sector.....

Street/Road..... House No./Flat No.....

Name of head of family.	Occupation and name of firm, factory, etc., where employed.	Age.	
		Years.	Months.

Names of members (excluding servants living with head of family).	Relationship.	Occupation and name of firm, etc., where employed.	Father's/husband's name.	Age.	
				Years.	Months.

Signature of Enquiry Officer..... .....

Received Ration Cards numbered..... .....

Signature or thumb impression of head of family or responsible member of the family

Name of head of family.....

Address.....

No. 21981D.C.S.—1st December 1948.—In exercise of the powers conferred by sub-section (*1*) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), read with clauses (*h*) and (*j*) of that section and with the notification of the Government of India, in the Department of Food, No. PY603(2)1, dated 21st October 1946, published in the *Gazette of India, Extraordinary* of the 21st October 1946, as subsequently amended, the Governor, with the concurrence of the Central Government, is pleased to make the following Order, namely:—

1. (*1*) This Order may be called the West Bengal Rationing (Establishments) Inquiry Order, 1948.

(*2*) It shall apply to the areas specified in Schedule I to this Order and may be extended by the Provincial Government by notification in the *Official Gazette* to such other areas as may be specified in the notification

2. In this Order,—

(*1*) "Director" means the Director of Rationing and Distribution Department of Civil Supplies, West Bengal;

(*2*) "Appointed date" means in relation to any specified article such date as may be fixed by the Provincial Government in respect of any area;

(*3*) (*i*) "Catering establishments" mean hotels, restaurants, eating houses, cafes, tea shops, coffee stalls, free-feeding centres, clubs, canteens, and include all other places open to the public or to any limited class of the public of a like nature where food or refreshment is consumed or procurable;

(*ii*) "Institutions" mean hospitals, sanatoria, convalescent homes, nursing homes, orphanages, work-houses, infirmaries, asylums, schools providing meals, and include all other establishments of a like nature;

(*iii*) "Residential establishments" mean boarding houses, apartment houses, residential hotels, residential clubs, hostels, nurses' homes, schools, and include all other establishments of a like nature but do not include private households;

(*iv*) "Manufacturing establishments" mean bakeries, confectioneries, and include all other establishments of a like nature;

(*v*) "Mills" mean flour mills, rice mills, and include all other establishments of a like nature;

(*vi*) "Animal establishments" mean stables for horses or cattle, poultry farms, zoos, menageries, veterinary hospitals, *pinjrapoles*, and include all other establishments where animals are maintained;

(*4*) "Establishment" means all the establishments referred to in sub-clauses (*i*) to (*vi*) of clause (*3*), and includes all establishments other than private households providing food for consumption but does not include establishments which are controlled or managed by any person belonging or attached to or employed with His Majesty's Indian Forces or by any person belonging or attached to or employed with the Forces of the nations in alliance with His Majesty and which provide food to the members of any of the said Forces for consumption;

(*5*) "Consumption" used with reference to an establishment means all consumption of food supplied by an establishment for consumption in the premises of the establishment or elsewhere;

(*6*) "Schedule" means a schedule appended to this Order;

(*7*) "Specified article" mean any of the articles specified in Schedule II

3. Every person owning or in charge of any establishment in any area specified in Schedule I or in any area to which this Order may be subsequently extended desiring to obtain any specified article on or after the appointed date, for use or consumption at such establishment shall, not later than a date fixed by the Provincial Government in this behalf for such area, furnish to the Director or such officer as may be specified by the Director in this behalf true and correct information in respect of such establishment as required in any one of the forms specified in Schedule III which is appropriate to it.

4. The provisions contained in paragraph 3 shall not apply in relation to any establishment referred to in sub-clause (*c*) of clause (*3*) of paragraph 2 unless and until they have been expressly applied in relation thereto by a notification in the *Official Gazette* by the Provincial Government.

SCHEDULE I.

[*See* paragraph 1(*2*).]

1. The Municipality of Asansol in the district of Burdwan.

2. (*1*) *Mauzas* Bhagabanpur, jurisdiction list No. 141, Kharida, jurisdiction list No. 194, Nimgeria Patna, jurisdiction list No. 193, Bhabanipur, jurisdiction list No. 192, Raghabpur Darbeshchak, jurisdiction list No. 234, Belgiri, jurisdiction list No. 256, Taljuli, jurisdiction list No. 61 and Kharagpur, jurisdiction list No. 189, within Kharagpur Town police-station in the district of Midnapore.

(*2*) So much of *mauza* Teghari, jurisdiction list No. 195, as is covered by cadastral survey plot Nos. 160, 161, 186 to 189, 198 to 202 and 204 to 216 within Kharagpur Town police-station in the district of Midnapore.

(*3*) So much of *mauza* Rajgram, jurisdiction list No. 196, as is covered by cadastral survey plot Nos. 462, 463, 477, 478, 482 to 523, 527 to 550, 552 and 556 within Kharagpur Town police-station in the district of Midnapore.

(*4*) So much of *mauza* Srikrishnapur, jurisdiction list No. 191, as is covered by cadastral survey plot Nos. 312 to 315, 365 to 376, 451 to 455, 462 to 511, 550 to 566, 580 to 652, 655 to 674, 680 to 684, 700 to 739, 743, 746 and 751 within Kharagpur Town police-station in the district of Midnapore.

(*5*) So much of *mauza* Debalpur, jurisdiction list No. 190, as is covered by cadastral survey plot Nos. 373 to 380, 392 to 516, 599 to 683, 688 to 692, 732 to 824, 826 to 828, 832, 837, 838 and 840 within Kharagpur Town police-station in the district of Midnapore.

(*6*) So much of *mauza* Panchberia Milik, jurisdiction list No. 233, as is covered by cadastral survey plot Nos. 340, 345, 346, 348, 349, 354 to 360, 371, 372, 388, 389, 392 to 462, 466 to 472, 475 to 493, 496 to 658, 668 to 676 and 678 within Kharagpur Town police-station in the district of Midnapore.

(*7*) So much of *mauza* Inda, jurisdiction list No. 232, as is covered by cadastral survey plot Nos. 128 to 135, 138 to 164, 166 to 183, 343 to 350, 354, 362 to 391, 419 to 463, 470 to 476, 483 to 500, 515 to 525, 528 to 542, 546, 549 to 875, 878 to 879, 881, 882, 885 to 892, 894, 895, 902, 1226 to 1289.

1295 to 1312, 1408, 1498 to 1500, 1502, 1506 to 1511 and 1513, portions of cadastral survey plot Nos. 1223 to 1225 to the west of the line drawn from the north-eastern corner of cadastral survey plot Nos. 882 to the north-eastern corner of cadastral plot No. 1311 and portions of cadastral survey plot Nos. 135 to 137 to the south of the line drawn from the north-eastern corner of cadastral survey plot No. 128 to the north-western corner of cadastral survey plot No. 183 within Kharagpur Town police-station in the district of Midnapore.

(8) So much of *mauza* Sanjal, jurisdiction list No. 312, as is covered by cadastral survey plot Nos. 1 to 653, 659, 662 to 666, 671 to 764, 769 to 774, 790 to 806, 1148 to 1150 and 1158 to 1161 within Kharagpur Town police-station in the district of Midnapore.

(9) So much of *mauza* Kaushalya, jurisdiction list No. 311, as is covered by cadastral survey plot Nos. 1 to 59, 61 to 65, 136, 250, 180 to 299, 303 to 500, 502 to 555, 636 to 638, 640 to 648, 650, and 652 to 661 within Kharagpur Town police-station in the district of Midnapore.

(10) So much of *mauza* Bulbulchati, jurisdiction list No. 235, as is covered by cadastral survey plot Nos. 1 to 12, 14 to 21, 27 to 37, 42 to 43, 45 and 46 and northern part of cadastral survey plot No. 22 between the line drawn from south-eastern corner of cadastral survey plot No. 10 to the north-eastern corner of cadastral survey plot No. 31 within Kharagpur Town police-station in the district of Midnapore.

(11) So much of *mauza* Gaikata as is covered by jurisdiction list No. 237, excluding cadastral survey plot Nos. 88 to 92, 137 to 139 and 185 to 198 within Kharagpur Town police-station in the district of Midnapore.

(12) So much of *mauza* Kasaikati, jurisdiction list No. 238, as is covered by cadastral survey plot Nos. 1 to 3, 5 to 22, 24, 63 and 64, within Kharagpur Town police-station in the district of Midnapore.

(13) The north part of *mauza* Sonamukhi, jurisdiction list No. 188, bounded on the south-west by the northern boundary of the Bengal Nagpur Railway line on the south-west and on the east by the western boundary of cadastral survey plot No. 1620 within Kharagpur Town police-station in the district of Midnapore.

(14) So much of *mauza* Teutiehati as is covered by jurisdiction list No. 141 to the north of the line formed by the southern boundaries of cadastral survey plot Nos. 46, 54, 55, 101, 102, 107, 109, 110, 753, 755, 781, 824, 834 and 837, portions of cadastral survey plot Nos. 825, 847 and 848 to the north of the line drawn from the north-western corner of cadastral survey plot No. 826 to the south-eastern corner of cadastral survey plot No. 46 and portions of cadastral survey plot Nos. 90 and 95 to the north-east of the line drawn from the south-western corner of cadastral survey plot No. 101 to the south-eastern corner of cadastral survey plot No. 115 within Kharagpur Town police-station in the district of Midnapore.

(15) So much of *mauza* Mathurkati Khas Jangal as is covered by jurisdiction list No. 143, excluding cadastral survey plot Nos. 23 to 26 within Kharagpur Town police-station in the district of Midnapore.

(*16*) So much of *mauza* Kharagpur Khas Jangal as is covered by jurisdiction list No. 142, excluding cadastral survey plot Nos. 272 to 274, 276, 295, 296, 303, 310, 317 to 324 and 328 to 417 within Kharagpur Town police-station in the district of Midnapore.

(*17*) So much of *mauza* Dewanmara, jurisdiction list No. 88, as is covered by cadastral survey plot Nos. 8, 13, 14 and 203 to 303, a portion of cadastral survey plot No. 15 to the east of the line drawn from the north-western corner of cadastral survey plot No. 22 to the south-western corner of cadastral survey plot No. 13 and a portion of cadastral survey plot No. 201 to the east of the line drawn from the north-western corner of cadastral survey plot No. 243 to the north-eastern corner of cadastral survey plot No. 251 within Kharagpur Town police-station in the district of Midnapore.

(*18*) So much of *mauza* Dewanmara Bentchati, jurisdiction list No. 87, as is covered by cadastral survey plot Nos. 1 to 4, 6, 8 to 30, 32, 41 and 50 within Kharagpur Town police-station in the district of Midnapore.

3. (*1*) Burnpore Union within police-station Asansol in the district of Burdwan.

(*2*) Villages of Hirapore and Dharampur in *mauza* Hirapore, bearing jurisdiction list No. 29 within police-station Asansol in the district of Burdwan.

(*3*) Villages of Narsingbad, Puranhat, Ramband, and Dhurupdanga in *mauza* Narsingbad bearing jurisdiction list No. 27 within police-station Asansol in the district of Burdwan.

(*4*) Villages of Santa, Santa Danga and Radhanagar Road in *mauza* Sant bearing jurisdiction list No. 28 within police-station Asansol in the district of Burdwan.

(*5*) (*a*) *Mauza* Kulti bearing jurisdiction list No. 16, (*b*) *mauza* Kendua bearing jurisdiction list No. 14, (*c*) *mauza* Petana bearing jurisdiction list No. 15, (*d*) *mauza* Kuldi bearing jurisdiction list No. 26, (*e*) *mauza* Barakar bearing jurisdiction list No. 30, (*f*) *mauza* Monveria bearing jurisdiction list No. 12, and (*g*) *mauza* Balitora bearing jurisdiction list No. 13, within police-station Kulti in the district of Burdwan.

4. *Mauza* Panuri bearing jurisdiction list No. 22, revenue survey plot No. 1599 within police-station Kulti in the district of Burdwan.

SCHEDULE II.

(*See* paragraph 3.)

Rice husked and rice in the husk (paddy) ....and

Wheat, *atta*, flour, bran, *suji* and bread (white, brown and wholemeal),

Dal. .. ..

Sugar .. ..

Salt. . . ..

SCHEDULE III.

(*See* paragraph 3.)

Form for Catering Establishments, Institutions and Residential Establishments.

(*To be submitted in duplicate.*)

1. Name of owner or person in charge .....

2. Residence.....

3. Name of establishment.. .....

4. Kind of establishment.... .....

5. Address of establishment with name of thana... .....

6. Period for which the establishment has been running .....

7. Average number of residents or inmates taking meals in the premises per day during the period from 1st January 1948 to the 31st October 1948.....

8. Average number of persons (other than residents or inmates) taking meals in the premises per day during the period from the 1st January 1948 to the 31st October 1948 .....

9. Average number of persons (other than residents or inmates) to whom meals were sent out from the establishment per day during the period from the 1st January 1948 to the 31st October 1948.....

10. Average quantity of the specified article or articles required for the establishment per week during the period from the 1st January 1948 to the 13st October 1948. .....

11. Quantity of specified article or articles in stock on the 1st October 1948.....

12. Name and address of wholesale or retail dealer from whom or manufacturing establishment or mill from which supplies of specified articles are usually obtained .....

13. Amount of any monthly allotment of the specified article or articles at present being received from the Department of Civil Supplies, West Bengal. .....

Signature of owner.

Person in charge of establishment.

Date.....

Form for Manufacturing Establishment and Mills.

(To be submitted in duplicate.)

1. Name of owner or person in charge.....
.....
2. Residence .....
.....
3. Name of establishment.....
.....
4. Kind of establishment.....
.....
5. Address of establishment with name of thana .....
.....
6. Period for which the establishment has been running.....
.....
7. Name of each kind of product manufactured from any specified article and the specified article from which it is manufactured
.....
8. Average sales per week of each kind of product or of any specified article during the period from the 1st January 1948 to the 31st October 1948.....
.....
9. Average requirements per week of the specified article or articles during the period from the 1st January 1948 to the 31st October 1948 .. ..
.....
10. Quantity of the specified article or articles or a product thereof in stock on the 1st December 1948.....
.....
11. Name and address of wholesale or retail dealer from whom or mill from which supplies of specified articles or products are usually obtained .....
.....
12. Amount of any monthly allotment of the specified article or articles at present being received from the Department of Civil Supplies, West Bengal.....
.....

.....

Signature of owner.

.....

Person in charge of establishment.

Date.. .. ..

Form for Animal Establishment.

(To be submitted in duplicate.)

1. Name of owner or person in charge.. .....

2. Residence.....

3. Name of establishment..... .....

4. Kind of establishment.. .....

5. Address of establishment with name of thana.....

6. Period for which the establishment has been running.....

7. Average number of each kind of animal (requiring any specified article) in the establishment per day during the period from the 1st January 1948 to the 31st October 1948.....

8. Average quantity of the specified article or articles required for the establishment per week during the period from the 1st January 1948 to the 31st October 1948 .....

9. Quantity of the specified article or articles on the 1st December 1948.....

10. Name and address of wholesale or retail dealer from whom or mill from which supplies of specified articles are usually obtained

11. Amounts of any monthly allotment of the specified article or articles at present being received from the Department of Civil Supplies, West Bengal. .....

Signature of owner.

Person in charge of establishment.

Date .....

No. 21982D.C.S.—1st December 1948.—In pursuance of paragraph 3 of the West Bengal Rationing (Establishments) Inquiry Order, 1948, published under notification No. 21981D.C.S., dated the 1st December 1948, the Governor is pleased to fix the 15th December 1948 as the date not later than which a person owning or in charge of any establishment in the areas specified in the schedule below, shall furnish under the said paragraph in duplicate to such officer as may be specified in this behalf by the Director, true and correct information in respect of such establishment in any of the forms specified in Schedule III to the said Order which is appropriate to it:—

THE SCHEDULE.

1. The Municipality of Asansol in the district of Burdwan.

2. (*1*) *Mauzas* Bhagabanpur, jurisdiction list No. 141, Kharida, jurisdiction list No. 194, Nimgeria Patna, jurisdiction list No. 193, Bhabanipur, jurisdiction list No. 192, Raghabpur Darbeshchak, jurisdiction list No. 234, Belgiri, jurisdiction list No. 236, Taljuli, jurisdiction list No. 61 and Kharagpur, jurisdiction list No. 189, within Kharagpur Town police-station in the district of Midnapore.

(*2*) So much of *mauza* Teghari, jurisdiction list No. 195, as is covered by cadastral survey plot Nos. 160, 161, 186 to 189, 198 to 202 and 204 to 216 within Kharagpur Town police-station in the district of Midnapore.

(*3*) So much of *mauza* Rajgram, jurisdiction list No. 196, as is covered by cadastral survey plot Nos. 462, 463, 477, 478, 482 to 523, 527 to 550, 552 and 556 within Kharagpur Town police-station in the district of Midnapore.

(*4*) So much of *mauza* Srikrishnapur, jurisdiction list No. 191, as is covered by cadastral survey plot Nos. 312 to 315, 365 to 376, 451 to 455, 462 to 541, 550 to 566, 580 to 653, 655 to 674, 680 to 684, 700 to 739, 743, 746 and 751 within Kharagpur Town police-station in the district of Midnapore.

(*5*) So much of *mauza* Debalpur, jurisdiction list No. 190, as is covered by cadastral survey plot Nos. 373 to 380, 392 to 516, 599 to 683, 688 to 692, 732 to 824, 826 to 828, 832, 837, 838 and 840 within Kharagpur Town police-station in the district of Midnapore,

(*6*) So much of *mauza* Panchberia Milik, jurisdiction list No. 233, as is covered by cadastral survey plot Nos. 340, 345, 346, 348, 349, 354 to 360, 371, 372, 388, 389, 392 to 462, 466 to 472, 475 to 493, 496 to 658, 668 to 676 and 678 within Kharagpur Town police-station in the district of Midnapore.

(*7*) So much of *mauza* Inda, jurisdiction list No. 232, as is covered by cadastral survey plot Nos. 128 to 135, 138 to 164, 166 to 183, 343 to 350, 354, 362 to 391, 419 to 463, 470 to 476, 483 to 500, 515 to 525, 528 to 542, 546, 549 to 875, 878, 879, 881, 882, 885 to 892, 894, 895, 902, 1226 to 1289, 1295 to 1312, 1408, 1498 to 1500, 1502, 1506 to 1511 and 1513, portions of cadastral survey plot Nos. 1223 to 1225 to the west of the line drawn from the north-eastern corner of cadastral survey plot No. 882 to the north-eastern corner of cadastral plot No. 1311 and portions of cadastral survey plot Nos. 135 to 137 to the south of the line drawn from the north-eastern corner of cadastral survey plot No. 128 to the north-western corner of cadastral survey plot No. 183 within Kharagpur Town police-station in the district of Midnapore.

(*8*) So much of *mauza* Sanjal, jurisdiction list No. 312, as is covered by cadastral survey plot Nos. 1 to 653, 659, 662 to 666, 671 to 764, 769 to 774, 790 to 806, 1148 to 1150 and 1158 to 1164 within Kharagpur Town police-station in the district of Midnapore.

(*9*) So much of *mauza* Kaushalya, jurisdiction list No. 311, as is covered by cadastral survey plot Nos. 1 to 59, 61 to 65, 136, 250, 180 to 299, 303 to 500, 502 to 555, 636 to 638, 640 to 648, 650 and 652 to 661 within Kharagpur Town police-station in the district of Midnapore.

(*10*) So much of *mauza* Bulbulchati, jurisdiction list No. 235, as is covered by cadastral survey plot Nos. 1 to 12, 14 to 21, 27 to 37, 42, 43, 45 and 46 and northern part of cadastral survey plot No. 22 between the line drawn from south-eastern corner of cadastral survey plot No. 10 to the north-eastern corner of cadastral survey plot No. 33 within Kharagpur Town police-station in the district of Midnapore.

(*11*) So much of *mauza* Gaikate as is covered by jurisdiction list No. 237, excluding cadastral survey plot Nos. 88 to 92, 137 to 139 and 185 to 190 within Kharagpur Town police-station in the district of Midnapore.

(*12*) So much of *mauza* Kasaikati as is covered by jurisdiction list No. 238, covered by cadastral survey plot Nos. 1 to 3, 5 to 22, 24, 63 and 64 within Kharagpur Town police-station in the district of Midnapore.

(*13*) The north part of *mauza* Sonamukhi, jurisdiction list No. 188, bounded on the south-west by the northern boundary of the Bengal Nagpur Railway line, on the south-west and on the east by the western boundary of cadastral survey plot No. 1020 within Kharagpur Town police-station in the district of Midnapore.

(*14*) So much of *mauza* Teutiehati as is covered by jurisdiction list No. 144 to the north of the line formed by the southern boundaries of cadastral survey plot Nos. 46, 54, 55, 101, 102, 107, 109, 110, 753, 755, 781, 824, 834 and 837, portions of cadastral survey plot Nos. 825, 847 and 848 to the north of the line drawn from the north-western corner of cadastral survey plot No. 826 to the south-eastern corner of cadastral survey plot No. 46 and portions of cadastral survey plot Nos. 90 and 95 to the north-east of the line drawn from the south-western corner of cadastral survey plot No. 101 to the south-eastern corner of cadastral survey plot No. 115 within Kharagpur Town police-station in the district of Midnapore.

(*15*) So much of *mauza* Mathurkati Khas Jangal as is covered by jurisdiction list No. 143, excluding cadastral survey plot Nos. 23 to 26 within Kharagpur Town police-station in the district of Midnapore.

(*16*) So much of *mauza* Kharagpur Khas Jangal as is covered by jurisdiction list No. 142, excluding cadastral survey plot Nos. 272 to 274, 276, 295, 296, 303, 310, 317 to 321 and 328 to 417 within Kharagpur Town police-station in the district of Midnapore.

(*17*) So much of *mauza* Dewanmara, jurisdiction list No. 88, as is covered by cadastral survey plot Nos. 8, 13, 14 and 203 to 303, a portion of cadastral survey plot No. 15 to the east of the line drawn from the north-western corner of cadastral survey plot No. 22 to the south-western corner of cadastral survey plot No. 13 and a portion of cadastral survey plot No. 201 to the east of the line drawn from the north-western corner of cadastral survey plot No. 243 to the north-eastern corner of cadastral survey plot No. 251 within Kharagpur Town police-station in the district of Midnapore.

(*18*) So much of *mauza* Dewanmara, Bentchati, jurisdiction list No. 87, as is covered by cadastral survey plot Nos. 1 to 4, 6, 8 to 30, 32, 41 and 50 within the Kharagpur Town police-station in the district of Midnapore.

3. (*1*) Burnpore Union within police-station Asansol in the district of Burdwan.

(*2*) Villages of Hirapore and Dharampur in *mauza* Hirapore bearing jurisdiction list No. 29 within police-station Asansol in the district of Burdwan.

(*3*) Villages of Narsingbad, Puranhat, Ramband and Dhurupdanga in *mauza* Narsingbad, bearing jurisdiction list No. 27, within police-station Asansol in the district of Burdwan.

(*4*) Villages of Santa, Santa Danga and Ruidhanagar Road in *mauza* Sant, bearing jurisdiction list No. 28, within police-station Asansol in the district of Burdwan.

(*5*) (*a*) *Mauza* Kulti, bearing jurisdiction list No. 16, (*b*) *mauza* Kendun, bearing jurisdiction list No. 14, (*c*) *mauza* Potana, bearing jurisdiction list No. 15, (*d*) *mauza* Kuldi, bearing jurisdiction list No. 26, (*e*) *mauza* Barakar, bearing jurisdiction list No. 30, (*f*) *mauza* Monveria, bearing jurisdiction list No. 12, and (*g*) *mauza* Bulitora, bearing jurisdiction list No. 13, within police-station Kulti, in the district of Burdwan.

4. *Mauza* Panuri, bearing jurisdiction list No. 22, revenue survey plot No. 1599, within police-station Kulti, in the district of Burdwan.

By order of the Governor,

R. S. KRISHNASWAMY,

Secy. to the Govt. of West Bengal.

OFFICE OF THE DIRECTOR OF RATIONING AND DISTRIBUTION.

ORDER.

No. 312(LL).—8th December 1948.—In pursuance of paragraph 3 of the West Bengal Rationing (Establishments) Inquiry Order, 1948, I hereby specify the Town Rationing Officer having jurisdiction in any area specified in the schedule to the notification No. 21982D.C.S., dated the 1st December 1948, to be the officer to whom true and correct information required under the said notification shall be furnished by persons owning or in charge of an establishment in such area.

D. K. GHOSE,

Director of Rationing and Distribution, West Bengal.

Printed and published by the Superintendent, Government Printing, West Bengal, at West Bengal Government Press, Alipore, on the 11th December 1948.

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The Calcutta Gazette

Extraordinary

Published by Authority

SATURDAY, DECEMBER 11, 1948

16.12

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

ORDER.

No. 1103Pr.—11th December 1948.—Whereas in the opinion of the Governor, "The Naya Zamana", an Urdu newspaper edited by Mirza Ashfaque Beg, printed by him at the United Fine Lithographers, Mazgaon, Bombay-10, and published by him from Raj Bhavan, 1st floor, Sandhurst Road, Bombay-4, contains in its issue of the 10th October 1948 prejudicial reports of the nature described in sub-section (*1*) of section 2 read with sub-clause (*z*) of clause (*a*) of sub-section (7) of section 2 of the West Bengal Security Act, 1948 (Act III of 1948);

Now, therefore, in exercise of the power con ferred by clause (*d*) of sub-section (*1*) of section of the said Act, the Governor hereby prohibits th further sale or distribution of the said issue of th newspaper, of any extract therefrom, or of an translation thereof, and also the sale or distribu tion of any subsequent issue thereof, in West Bengal.

By order of the Governor,

P. C. ACHARJI,

Dy. Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Ptg., West Beng at West Bengal Govt. Press, Alipore, on the 11th December 1948

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The Calcutta Gazette

Extraordinary

Published by Authority

MONDAY, DECEMBER 13, 1948

ART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

LAND AND LAND REVENUE DEPARTMENT.

Land Acquisition.

NOTIFICATION.

Calcutta.—No. 9728L.A - 11th December 1948. Whereas it appears to the Governor that land is likely to be required to be taken by Government at the public expense for a public purpose, viz., for the construction of a new Automatic Telephone Exchange Building in Ward No. 12 of the Calcutta Municipality in the city of Calcutta, it is hereby notified that for the above purpose a piece of land comprising premises No. 31, Dalhousie Square and portions of premises Nos. 31 I and 35 Dalhousie

Square, and measuring, more or less, 1·2707 acr
bounded on the—

North and East—By the remaining portion
premises No. 35, Dalhousie Square,

South—By Dalhousie Square, South,

West—By the remaining portion of prem
No. 34/1, Dalhousie Square,

is likely to be required within the aforesaid W
No. 12 of the Calcutta Municipality in the city
Calcutta.

This notification is made, under the provis
of section 4 of Act I of 1894, to all whom it
concern.

A plan of the land may be inspected in the offi
of the First Land Acquisition Collector, at No
Bankshall Street, Calcutta.

In exercise of the powers conferred by the afore-
said section, the Governor is pleased to author
the officers for the time being engaged in the und
taking, with their servants and workmen, to enter
upon and survey the land and do all other a
required or permitted by that section.

Any person interested in the above land, w
has any objection to the acquisition thereof, may
within thirty days after the date on which publ
notice of the substance of this notification is give
in the locality, file an objection in writing before
the First Land Acquisition Collector, at No
Bankshall Street, Calcutta.

By order of the Governor

S. BANERJEE,

*Member, Board of Revenue, and Secy. to the
Govt. of West Bengal (ex-officio)*

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Extraordinary

Published by Authority

MONDAY, DECEMBER 13, 1948

ART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION.

No. 2260D.C.S.—13th December 1948.—In exercise of the powers conferred by sub-paragraph (2) of paragraph 1 of the West Bengal Cloth Rationing Order, 1948, the Governor is pleased to direct that the said Order shall come into force on the 15th December 1948 in the areas specified in the schedule below :—

The Schedule.

1. Calcutta as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923, together with the Esplanade and that part of the Hastings south of the south edge of Clyde Row and Strand Road to the river bank.

2. The Port of Calcutta as defined by notification under section 5 of the Indian Ports Act 1908.

3. The South Suburban Municipality and the municipalities of Garden Reach and Tollygunge in the district of 24-Parganas.

4. The municipalities of Howrah and Bally in the district of Howrah.

5. The *mauza* of the Royal Botanical Garden bearing jurisdiction list No. 4 and covered by cadastral survey khatian No. 5 within police-station Shibpore in the district of Howrah.

6. The municipalities of (1) Budge Budge (2) South Dum Dum, (3) Dum Dum, (4) Baranagore, (5) Kamarhati, (6) Panihati, (7) Khardah (8) Titagar, (9) South Barrackpore, (10) North Barrackpore, (11) Garulia, (12) Bhatpara (13) Naihati, (14) Halisahar, and (15) Kanchrapara, and also the Barrackpore Cantonment in the district of 24-Parganas.

7. The municipalities of (1) Uttarpara (2) Kotrung, (3) Rishra, (4) Konnagore, (5) Serampore, (6) Bandyabati, (7) Champdani, (8) Bhadreswar, (9) Hooghly-Chinsura and (10) Bansberia in the district of Hooghly.

By order of the Governor
R. S. KRISHNASWAMY
Secy. to the Govt. of West Bengal

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WEDNESDAY, DECEMBER 15, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF LAND AND LAND REVENUE.

Land Acquisition.

NOTIFICATION.

Calcutta.—No. 9830L.A.— 15th December 1948. — Whereas it appears to the Governor that land is likely to be required to be taken by Government at the public expense for a public purpose, viz., for "Circus" Automatic Telephone Exchange Building in Ward No. 15 of the Calcutta Municipality in the city of Calcutta, it is hereby notified that for the above purpose a piece of land comprising portions of premises Nos. 25A, Theatre Road, and 6A, Outram Street, and measuring, more or less, 0·6519 of an acre, bounded on the—

North—By the remaining portion of premises No 6A, Outram Street,

East—By Outram Street,

South—By the remaining portion of premises No. 25A, Theatre Road,

West—By Hungerford Street,

is likely to be required within the aforesaid Ward No. 15 of the Calcutta Municipality in the city of Calcutta.

This notification is made, under the provision of section 4 of Act I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the 2nd Land Acquisition Collector, at No. 5, Bankshall Street, Calcutta.

In exercise of the powers conferred by the aforesaid section, the Governor is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

Any person interested in the above land, who has any objection to the acquisition thereof, may within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the 2nd Land Acquisition Collector, at No. 5, Bankshall Street, Calcutta.

By order of the Governor,

S. BANERJEE,

Member, Board of Revenue, and Secy. to the Govt. of West Bengal (ex-officio).

Printed and published by the Superintendent, Govt. Ptg., West Bengal at West Bengal Govt. Press, Alipore, on the 15th December 1948

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The Calcutta Gazette

Extraordinary

Published by Authority

THURSDAY, DECEMBER 16, 1948

T I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

NOTIFICATION

No. 1125Pr.—16th December 1948—In exercise of the power conferred by section 19 of the Indian Press (Emergency Powers) Act, 1931 (XXIII of 1931), the Governor is pleased to declare all copies, wherever found, of the leaflet in Bengali entitled "Dangabajder Bruddhe Mihilabhave Daraо" (Stand united against the rioters) beginning with the words "Kangressee Sarkar Janaganer Bruddhe" and ending with "Bharater Communist Party, Paschimbanga Pradeshik Kamiti" issued by the West Bengal Provincial Committee of the

Communist Party of India, and all other documents containing copies, reprints or translations of, or extracts from the said leaflet to be forfeited to His Majesty, on the ground that the said leaflet contains matter of the nature described in clause (*d*) of sub-section (*1*) of section 4 of the said Act

By order of the Governor,

P. C. ACHARJI,

Dy. Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Ptg., West Beng
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The Calcutta Gazette

Extraordinary

Published by Authority

THURSDAY, DECEMBER 16, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF CIVIL SUPPLIES.

NOTIFICATION

No. 22692D.C.S.—15th December 1948 In exercise of the power conferred by sub-section (1) of section 3 of the West Bengal Cement Control Act, 1948 (West Bengal Act XXVI of 1948), read with clause (*c*) of sub-section (2) of that section, the Governor is pleased to make the following amendment in notification No. 20817D.C.S., dated the 6th November 1948, published in the *Calcutta Gazette Extraordinary* of the 6th November 1948, Part I, pages 1115-1116, namely :

Amendment.

In the proviso to paragraph 1 of the said notification *after* the words "Military Credit Note" *insert* the words "or which is booked for any Department of the Central Government"

By order of the Governor,
R. S. KRISHNASWAMY,
Secy. to the Govt. of West Bengal

Printed and published by the Superintendent, Govt. Ptg., West Bengal, at West Bengal Govt. Press, Alipore, on the 16th December 1948.

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The Calcutta Gazette

Extraordinary

Published by Authority

MONDAY, DECEMBER 20, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

LOCAL SELF-GOVERNMENT DEPARTMENT.

NOTIFICATION.

No. L.S.-G.1M-160/48.—20th December 1948.—The following draft of a notification which in exercise of the power conferred by section 19 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), the Governor proposes to issue, is published for the information of persons likely to be affected thereby :—

"Notification.

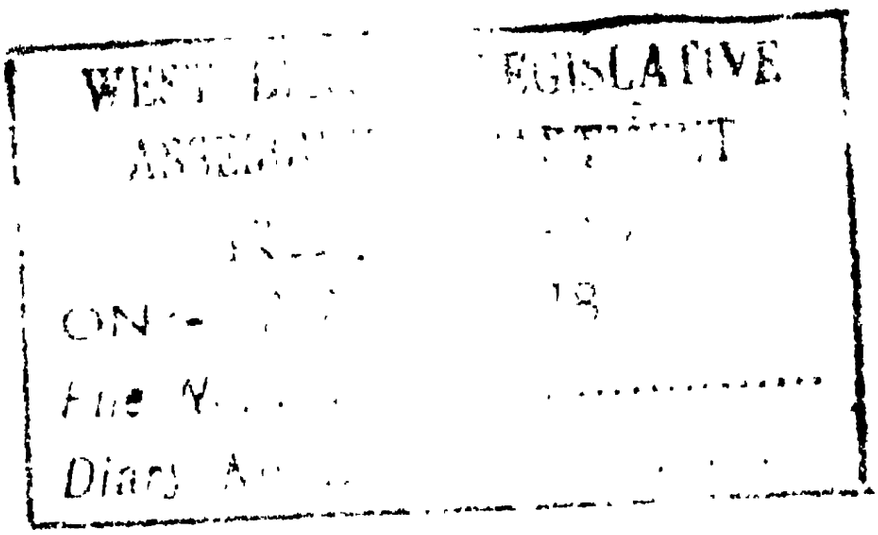
In exercise of the power conferred by section 19 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), the Governor is pleased hereby to cancel the order published under notification No. 2005M., dated the 16th April 1937, reserving in

the Bansberia Municipality in the district of Hooghly, out of nine seats to which Commissioners are to be elected under section 16 of the said Act, two seats for the Muhammadan community and declaring the said community to be a minority community for the purpose of the election."

2. The draft will be taken into consideration on the 30th December 1948, and any objection or suggestion with respect thereto which may be received by the undersigned through the District Magistrate before that date will be duly considered

By order of the Governor

S. K. GUPTA,
Secy. to the Govt. of West Bengal



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The Calcutta Gazette

Extraordinary

Published by Authority

TUESDAY, DECEMBER 21, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

LOCAL SELF-GOVERNMENT DEPARTMENT.

Local Self-Government.

NOTIFICATION.

No. L.S.-G.1M-55/48.—21st December 1948.—The following draft of a rule which the Governor proposes to make under sub-section (*1*) of section 19 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), in supersession of the rule published with the Government notification No. 7920/M., dated the 10th August 1943, is published for the information of persons likely to be affected thereby.

2. The draft will be taken into consideration on the 30th December 1948, and any objection or suggestion received by the undersigned, through

the District Magistrate before that date will b
duly considered :—

Draft rule.

In the Tollygunge Municipality in the distric
of the 24-Parganas, out of the 15 seats to whic
Commissioners are to be elected under section 1(
of the Bengal Municipal Act, 1932 (Bengal Ac
XV of 1932), 3 seats shall be reserved for the
Muslim community which is declared to be a
minority community in the said municipality fo
the purposes of the election.

By order of the Governor,
S. K. GUPTA,
Secy. to the Govt. of West Bengal

WEST B[illegible] LEGISLATIVE
A[illegible] PARTMENT
REC[illegible]
ON :- 2 2 DEC 1948
File No.[illegible]
Diary No[illegible]

Printed and published by the Superintendent, Govt. Ptg., West Bengal
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The Calcutta Gazette

Extraordinary

Published by Authority

WEDNESDAY, DECEMBER 22, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT.

Press.

ORDER.

No. 1148Pr.—22nd December 1948.—Whereas in the opinion of the Governor the leaflet in Bengali entitled "R. S. S. Er Siddhanta" (Decision of the R. S. S.), issued by the Rastriya Swayang Sevak Sangha beginning with the words "Bharate Hindur Dharmiya" and ending with "Mangal Kamana Karun", contains prejudicial report of the nature described in sub-section (*4*) of section 2 read with sub-clause (*vi*) of clause (*a*) of sub-section (*7*) of section 2 of the West Bengal Security Act, 1948 (Act III of 1948);

Now, therefore, in exercise of the power con ferred by clauses (*d*) and (*e*) of sub-section (*1*) o section 8 of the said Act, the Governor hereby pro hibits the further publication, sale or distributi of the said leaflet, of any extract therefrom or o any translation thereof, and declares to be forfeit to His Majesty all copies, wherever found, of th said leaflet and all other documents containing copies, reprints and translations of, or extract from, the said leaflet.

By order of the Governor
P. C. ACHARJI,
Dy Secy. to the Govt. of West Bengal

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The Calcutta Gazette

Extraordinary

Published by Authority

MONDAY, DECEMBER 27, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF LAND AND LAND REVENUE.

Land Acquisition.

DECLARATION.

No. 10148L.A.(P.W.).- 27th December 1948 - Whereas it appears to the Governor that land is required to be taken by Government at the public expense for a public purpose, viz., for resettling the people displaced by the acquisition of lands for Locomotive Building Works Projects of East Indian Railway, in the villages of Jorebari, Ghiadoba and Namokeshia, jurisdiction list Nos 46, 57, 54, respectively, thana Salanpur, pargana Pandra, district Burdwan, it is hereby declared that for the above purpose some pieces of land

comprising cadastral survey plot Nos. 248, 276, 915, 917, 988, 1013 and 1017 in mauza Jorebari cadastral survey plot Nos. 68 and 632 in mauza Ghiadoba and plot Nos. 1, 3, 21, 711 and 713 in mauza Namokeshia and measuring, more or less 292·64 acres, are required within the aforesaid villages of Jorebari, Ghiadoba and Namokeshia.

Mines of coal, iron-stone, slate or other mineral lying under the land or any particular portion of the land, except only such parts of the mines and minerals as it may be necessary to dig, or carry away, or use, in the construction of the work for the purpose of which the land is being acquired are not needed.

This declaration is made, under the provisions of section 6, Act I of 1894, and section 3, clause (*f*), Act XVIII of 1885, to all whom it may concern.

A plan of the land may be inspected in the office of the Special Land Acquisition Officer, Burdwan

By order of the Governor

S. BANERJEE,

Member, Board of Revenue, and Secy. to the Govt. of West Bengal (ex-officio).

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THE WEST BENGAL LEGISLATIVE ASSEMBLY

The Calcutta Gazette

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WEDNESDAY, DECEMBER 29, 1948

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc

GOVERNMENT OF WEST BENGAL

DEPARTMENT OF CIVIL SUPPLIES.

CORRIGENDUM.

No. 24039D.C.S. - 29th December 1948 — *Substitute* the word "overleaf" *for* the word "above" in item (ii) of the Declaration of the notification No. 101/19-Tex.1 48(IV), dated the 10th September 1948, republished in the *Calcutta Gazette, Extraordinary*, of the 5th October 1948, at pages 1017-1019, under notification No. 19843D.C.S., dated the 5th October 1948.

By order of the Governor,

L. DIAS,

Asst. Secy. to the Govt. of West Bengal

rinted and published by the Superintendent, Govt. Ptg., West Bengal, at West Bengal Govt. Press, Alipore, on the 29th December 1948